FEDERAL REGISTER

Vol. 85 Monday,

No. 61 March 30, 2020

Pages 17473–17720

OFFICE OF THE FEDERAL REGISTER

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Federal Register
Vol. 85, No. 61
Monday, March 30, 2020

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0726; Product Identifier 2019–NM–102–AD; Amendment 39–19857; AD 2020–04–20]

RIN 2120–AA64

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

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain De Havilland Aircraft of Canada Limited Model DHC–8–400 series airplanes. This AD was prompted by reports of wear on fuel couplings, bonding springs, and sleeves as well as fuel tube end ferrules and fuel component end ferrules. This AD requires repetitive inspections of certain parts for discrepancies that meet specified criteria, and replacement as necessary; repetitive inspections of certain parts for damage and wear, and rework of parts; and electrical bonding checks of certain couplings. This AD also requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. For certain airplanes, this AD allows a modification that would terminate the repetitive inspections. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 4, 2020.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 4, 2020.

ADDRESSES: For service information identified in this final rule, contact De Havilland Aircraft of Canada Limited, Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd@dehavilland.com;* internet *https://dehavilland.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0726.

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–2019–0726; 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: Joseph Catanzaro, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7366; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2017–04R2, dated September 25, 2018 (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain De Havilland Aircraft of Canada Limited Model DHC–8–400 series airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0726.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain De Havilland Aircraft of Canada Limited Model DHC–8–400 series airplanes. The NPRM published in the **Federal Register** on October 30, 2019 (84 FR 58066). The NPRM was prompted by reports of wear on fuel couplings, bonding springs, and sleeves as well as fuel tube end ferrules and fuel component end ferrules. The NPRM proposed to require repetitive inspections of certain parts for discrepancies that meet specified criteria, and replacement as necessary; repetitive inspections of certain parts for damage and wear, and rework of parts; and electrical bonding checks of certain couplings. The NPRM also proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. For certain airplanes, the NPRM proposed to allow a modification that would terminate the repetitive inspections. The FAA is issuing this AD to address wear on fuel couplings, bonding springs, and sleeves as well as fuel tube end ferrules and fuel component end ferrules, which could reduce the integrity of the electrical bonding paths through the fuel line and components, and ultimately lead to fuel tank ignition in the event of a lightning strike. 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 comment received on the NPRM and the FAA's response to the comment.

Request To Refer to Different Temporary Revisions (TRs)

Horizon Air requested that paragraph (k) of the proposed AD be revised to refer to TR ALI–0192 and TR ALI–0193. The commenter suggested that the proposed AD contains typographical errors in referring to TR ALI–00AS and TR ALI–00AT.

The FAA agrees to clarify. Paragraph (k) of the proposed AD requires incorporating ''the information specified in Q400 Dash 8 (Bombardier) Temporary Revision ALI–00AS, dated April 24, 2018; and Q400 Dash 8 (Bombardier) Temporary Revision ALI–00AT, dated April 24, 2018.'' TCCA notified the FAA that TR ALI–00AS and TR ALI–00AT are temporary

placeholder identifiers for TR ALI–0192 and TR ALI–0193. These temporary placeholder identifiers are used until the finalized TRs are provided new numerical identifiers. The FAA has confirmed that the information specified in these TRs is the same as the information specified in the TRs mentioned by the commenter. For these reasons, this AD has been revised to specify TR ALI–0192 and TR ALI–0193.

Explanation of Change to Introductory Text to Paragraph (h) of This AD

We have revised the introductory text to paragraph (h) of this AD to clarify that the actions apply to the same airplanes as those identified in the introductory text to paragraph (g) of this AD.

Conclusion

The FAA reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this final rule with the changes 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.

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

Related Service Information Under 1 CFR Part 51

Bombardier has issued Service Bulletin 84–28–20, Revision D, dated November 23, 2018. This service information describes procedures for repetitive detailed inspections of the clamshell coupling bonding wires, fuel couplings, and associated sleeves for discrepancies (wear and damage, including discoloration, worn coating, scuffing and grooves) that meet specified criteria, and replacement. This service information also describes procedures for repetitive detailed inspections for damage and wear of the fuel tube end ferrules, fuel component end ferrules, and ferrule O-ring flanges, and rework of parts.

Bombardier has also issued Service Bulletin 84–28–21, Revision C, dated July 13, 2018. This service information describes procedures for a detailed inspection for damage and wear of the fuel tube end ferrules, fuel component end ferrules, and ferrule O-ring flanges; rework (repair, replacement, or blending, as applicable) of parts; and a retrofit (structural rework) of the fuel couplings, isolators, and structural provisions.

Bombardier has also issued Service Bulletin 84–28–26, Revision A, dated November 29, 2018. This service information describes procedures for electrical bonding checks of all threaded couplings on the inboard vent lines in the left and right wings.

Bombardier has also issued Q400 Dash 8 (Bombardier) Temporary Revision ALI–0192, dated April 24, 2018; and Q400 Dash 8 (Bombardier) Temporary Revision ALI–0193, dated April 24, 2018. This service information describes airworthiness limitations for fuel tank systems. These documents are distinct since they describe different airworthiness limitations.

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

Costs of Compliance

The FAA estimates that this AD affects 52 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
268 work-hours × $85 per hour = $22,780	$0	$22,780	$1,184,560

* Table does not include estimated costs for revising the maintenance or inspection program.

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

ESTIMATED COSTS FOR OPTIONAL ACTIONS

Labor cost	Parts cost	Cost per product
525 work-hours × $85 per hour = $44,625	$20,906	$65,531

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on the results of any required or optional 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
174 work-hours × $85 per hour = $14,790	$16,767	$31,557

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):

2020–04–20 De Havilland Aircraft of Canada Limited (Type Certificate previously held by Bombardier, Inc.): Amendment 39–19857; Docket No. FAA–2019–0726; Product Identifier 2019–NM–102–AD.

(a) Effective Date

This AD is effective May 4, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to De Havilland Aircraft of Canada Limited Model DHC–8–400, –401, and –402 airplanes, certificated in any category, manufacturer serial numbers 4001, 4003, and subsequent.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by reports of wear on fuel couplings, bonding springs, and sleeves as well as fuel tube end ferrules and fuel component end ferrules. The FAA is issuing this AD to address such wear, which could reduce the integrity of the electrical bonding paths through the fuel line and components, and ultimately lead to fuel tank ignition in the event of a lightning strike.

(f) Compliance

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

(g) Initial Inspection Compliance Times

For airplanes having serial numbers 4001 and 4003 through 4575 inclusive that, as of the effective date of this AD, have not done the actions specified in Bombardier Service Bulletin 84–28–21: At the applicable times specified in paragraph (g)(1) or (2) of this AD, do the actions specified in paragraphs (h)(1) and (2) of this AD.

(1) For all airplanes except those identified in paragraph (g)(2) of this AD: Within 6,000 flight hours or 36 months, whichever occurs first after the effective date of this AD.

(2) For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or after the effective date of this AD: Within 6,000 flight hours or 36 months, whichever occurs first after the date of issuance of the original airworthiness certificate or the date of issuance of the original export certificate of airworthiness.

(h) Repetitive Inspections and Corrective Actions

For airplanes having serial numbers 4001 and 4003 through 4575 inclusive that, as of the effective date of this AD, have not done the actions specified in Bombardier Service Bulletin 84–28–21: At the applicable times specified in paragraph (g)(1) or (2) of this AD, do the actions specified in paragraphs (h)(1) and (2) of this AD. Repeat the actions thereafter at intervals not to exceed 6,000 flight hours or 36 months, whichever occurs first.

(1) Do a detailed inspection of the clamshell coupling bonding wires, fuel couplings, and associated sleeves for discrepancies that meet specified criteria, as identified in, and in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–28–20, Revision D, dated November 23, 2018. If any conditions are found meeting the criteria specified in Bombardier Service Bulletin 84–28–20, Revision D, dated November 23, 2018, before further flight, replace affected parts with new couplings and sleeves of the same part number, in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–28–20, Revision D, dated November 23, 2018.

(2) Do a detailed inspection of the fuel tube end ferrules, fuel component end ferrules, and ferrule O-ring flanges for damage and wear, and rework (repair, replace, or blend, as applicable) the parts, in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–28–20, Revision D, dated November 23, 2018.

(i) Optional Terminating Action for Repetitive Inspections

For airplanes having serial numbers 4001 and 4003 through 4575 inclusive: Doing a detailed inspection of the fuel tube end ferrules, fuel component end ferrules, and ferrule O-ring flanges for damage and wear, and reworking (repair, replace, or blend, as applicable) the parts; and doing a retrofit (structural rework) of the fuel couplings, isolators, and structural provisions, in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–28–21, Revision C, dated July 13, 2018, terminates the inspections specified in paragraphs (h)(1) and (2) of this AD.

(j) Electrical Bonding Checks/Detailed Inspection

For airplanes having serial numbers 4001, 4003 through 4489 inclusive, and 4491 through 4575 inclusive that, as of the effective date of this AD, have done the actions specified in Bombardier Service Bulletin 84–28–21, Revision A, dated September 29, 2017; and airplanes having serial numbers 4576 through 4581 inclusive: Within 6,000 flight hours or 36 months after the effective date of this AD, whichever occurs first, do the actions specified in paragraph (j)(1) or (2) of this AD.

(1) Accomplish electrical bonding checks of all threaded couplings on the inboard vent lines in the left and right wings, in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–28–26, Revision A, dated November 29, 2018.

(2) Do a detailed inspection of the fuel tube end ferrules, fuel component end ferrules, and ferrule O-ring flanges for damage and wear, and rework (repair, replace, or blend, as applicable) the parts; and a retrofit (structural rework) of the fuel couplings, isolators, and structural provisions in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment

Instructions of Bombardier Service Bulletin 84–28–21, Revision C, dated July 13, 2018.

(k) Maintenance or Inspection Program Revision

Within 30 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Q400 Dash 8 (Bombardier) Temporary Revision ALI–0192, dated April 24, 2018; and Q400 Dash 8 (Bombardier) Temporary Revision ALI–0193, dated April 24, 2018. Except as specified in paragraph (l) of this AD, the initial compliance time for doing the tasks in Q400 Dash 8 (Bombardier) Temporary Revision ALI–0192, dated April 24, 2018, is at the time specified in Q400 Dash 8 (Bombardier) Temporary Revision ALI–0192, dated April 24, 2018, or within 30 days after the effective date of this AD, whichever occurs later.

(l) Initial Compliance Time for Task 284000–419

The initial compliance time for task 284000–419 is at the time specified in paragraph (l)(1) or (2) of this AD, as applicable, or within 30 days after the effective date of this AD, whichever occurs later.

(1) For airplanes having serial numbers 4001 and 4003 through 4575, inclusive: Within 18,000 flight hours or 108 months, whichever occurs first, after the earliest date of embodiment of Bombardier Service Bulletin 84–28–21 on the airplane.

(2) For airplanes having serial numbers 4576 and subsequent: Within 18,000 flight hours or 108 months, whichever occurs first, from the date of issuance of the original airworthiness certificate or original export certificate of airworthiness.

(m) No Alternative Actions, Intervals, or Critical Design Configuration Control Limitations (CDCCLs)

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

(n) No Reporting Requirement

Although Bombardier Service Bulletin 84–28–20, Revision D, dated November 23, 2018, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(o) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraphs (h)(1) and (2) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraph (o)(1)(i), (ii), or (iii) of this AD.

(i) Bombardier Service Bulletin 84–28–20, Revision A, dated December 14, 2016.

(ii) Bombardier Service Bulletin 84–28–20, Revision B, dated February 13, 2017.

(iii) Bombardier Service Bulletin 84–28–20, Revision C, dated April 28, 2017.

(2) For the airplane having serial number 4164, this paragraph provides credit for the initial inspections required by paragraphs (h)(1) and (2) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 84–28–20, dated September 30, 2016.

(3) This paragraph provides credit for the actions specified in paragraph (i) of this AD if those actions were performed before the effective date of this AD using the service information specified in paragraph (o)(3)(i), (ii), or (iii) of this AD.

(i) Bombardier Service Bulletin 84–28–21, dated August 31, 2017.

(ii) Bombardier Service Bulletin 84–28–21, Revision A, dated September 29, 2017.

(iii) Bombardier Service Bulletin 84–28–21, Revision B, dated June 8, 2018.

(4) This paragraph provides credit for the actions required by paragraph (j)(1) of this AD if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 84–28–26, dated August 14, 2018.

(5) This paragraph provides credit for the actions required by paragraph (j)(2) of this AD if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 84–28–21, Revision B, dated June 8, 2018.

(6) For airplanes having serial numbers 4001, 4003 through 4489 inclusive, and 4491 through 4575 inclusive, and that are post Bombardier Service Bulletin 84–28–21, Revision A, dated September 29, 2017: This paragraph provides credit for the actions required by paragraph (j) of this AD if those actions were performed prior to the effective date of this AD using the service information specified in paragraph (o)(6)(i) or (ii) of this AD.

(i) Bombardier Modification Summary Package (ModSum) IS4Q2800032, dated February 1, 2018.

(ii) Any airworthiness limitation change request (ACR) specified in figure 1 to paragraph (o)(6)(ii) of this AD.

BILLING CODE 4910–13–P

Figure 1 to paragraph (o)(6)(ii) – *ACRs*

ACR Number	Dated
400-072	January 24, 2018
400-073	January 23, 2018
400-074	January 24, 2018
400-077	February 27, 2018
400-078	March 21, 2018
400-079	April 18, 2018
400-080	April 30, 2018
400-081	May 4, 2018
400-082	May 4, 2018
400-083	June 4, 2018
400-084	May 18, 2018

BILLING CODE 4910–13–C

(p) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. 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, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or De Havilland Aircraft of Canada Limited's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(q) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2017–04R2, dated September 25, 2018, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0726.

(2) For more information about this AD, contact Joseph Catanzaro, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7366; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (r)(3) and (4) of this AD.

(r) 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) Bombardier Service Bulletin 84–28–20, Revision D, dated November 23, 2018.

(ii) Bombardier Service Bulletin 84–28–21, Revision C, dated July 13, 2018.

(iii) Bombardier Service Bulletin 84–28–26, Revision A, dated November 29, 2018.

(iv) Bombardier Q400 Dash 8 (Bombardier) Temporary Revision ALI–0192, dated April 24, 2018.

(v) Q400 Dash 8 (Bombardier) Temporary Revision ALI–0193, dated April 24, 2018.

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

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

(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 1, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–06505 Filed 3–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0865; Product Identifier 2019–NM–158–AD; Amendment 39–19854; AD 2020–04–17]

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 A350–941 and –1041 airplanes. This AD was prompted by reports of passenger door girt bar fitting assembly safety hooks being stuck in the upward position. This AD requires repetitive detailed inspections of girt bar fitting assemblies, repetitive greasing of girt bar fitting assembly bushes, and, depending on findings, accomplishment of applicable corrective actions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 4, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 4, 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–2019–0865.

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–2019–0865; 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: Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0207, dated August 22, 2019 (''EASA AD 2019–0207'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A350–941 and –1041 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 A350–941 and –1041 airplanes. The NPRM published in the **Federal Register** on November 15, 2019 (84 FR 62485). The NPRM was prompted by reports of passenger door girt bar fitting assembly safety hooks being stuck in the upward position. The NPRM proposed to require repetitive detailed inspections of girt bar fitting assemblies, repetitive greasing of girt bar fitting assembly bushes, and, depending on findings, accomplishment of applicable corrective actions.

The FAA is issuing this AD to address passenger door girt bar fitting assembly safety hooks being stuck in the upward position, which could lead to girt bar disengagement from the girt bar fitting assembly and consequent failure of the passenger door slide deployment during an emergency, possibly preventing safe evacuation 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.

Support for the NPRM

The Air Line Pilots Association, International (ALPA) indicated its support for the NPRM.

Request To Remove or Revise Reporting Requirement

Delta Air Lines (Delta) requested that the proposed AD be revised to either not require reporting or to require reporting only in the case of discrepant findings. Delta noted that only 5 discrepant safety hooks were found during its inspection of 1,408 fittings. Delta added that the final fix will include a retrofit of the girt bar fittings, which should occur regardless of the number of reported failures.

The FAA disagrees with the commenter's request. Reporting is necessary for the girt bar fitting assembly manufacturer to determine the extent of the discrepancies and to ascertain any necessary follow-on actions. The FAA has not changed this AD in this regard.

Request To Revise Reporting Compliance Time

Delta requested that paragraph (h)(3)(i) of the proposed AD be reworded to state that inspection report must be submitted within 90 days after the end of the maintenance visit/check during which the inspection was performed, rather than within 90 days after the inspection. Delta noted that maintenance personnel often do not report findings to engineering until closure of the maintenance visit/check, which usually happens several days or weeks after the inspection was actually performed. Delta suggested that the revised reporting time would remove restrictive time constraints while still meeting the intent of the proposed AD.

The FAA agrees with the commenter's request for the reasons provided. The FAA has revised paragraph (h)(3)(i) of this AD to specify that a report of findings must be submitted within 90 days after the conclusion of the maintenance visit or check where the inspection was completed.

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.

The FAA 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 2019–0207 describes procedures for repetitive detailed inspections of girt bar fitting assemblies, repetitive greasing of girt bar fitting assembly bushes, and, depending on findings, accomplishment of applicable corrective actions. Corrective actions include rework and replacement. EASA AD 2019–0207 also describes procedures for sending inspection results to Airbus. 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.

Interim Action

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

Costs of Compliance

The FAA estimates that this AD affects 13 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
1 work-hour × $85 per hour = $85	$0	$85	$1,105

* Table does not include estimated costs for reporting.

The FAA estimates that it would take about 1 work-hour per product to comply with the reporting requirement in this AD. The average labor rate is $85 per hour. Based on these figures, the FAA estimates the cost of reporting the inspection results on U.S. operators to be $1,105, or $85 per product.

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 3 work-hours × $85 per hour = $255	(*)	$255 *

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

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):

2020–04–17 Airbus SAS: Amendment 39–19854; Docket No. FAA–2019–0865; Product Identifier 2019–NM–158–AD.

(a) Effective Date

This AD is effective May 4, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Reason

This AD was prompted by reports of passenger door girt bar fitting assembly safety hooks being stuck in the upward position. The FAA is issuing this AD to address this condition, which could lead to girt bar disengagement from the girt bar fitting assembly and consequent failure of the passenger door slide deployment during an emergency, possibly preventing safe evacuation 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 2019–0207, dated August 22, 2019 (''EASA AD 2019–0207'').

(h) Exceptions to EASA AD 2019–0207

(1) Where EASA AD 2019–0207 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2019–0207 does not apply to this AD.

(3) Paragraph (4) of EASA AD 2019–0207 specifies to report inspection results to Airbus within a certain compliance time. For this AD, report inspection results at the applicable time specified in paragraph (h)(3)(i) or (ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 90 days after the conclusion of the maintenance visit or check where the inspection was completed.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 90 days after the effective date of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(3) *Required for Compliance (RC*): For any service information referenced in EASA AD 2019–0207 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(4) *Paperwork Reduction Act Burden Statement:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory as required by this AD. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

(j) Related Information

For more information about this AD, contact Kathleen Arrigotti, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3218; email *kathleen.arrigotti@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2019–0207, dated August 22, 2019.

(ii) [Reserved]

(3) For information about EASA AD 2019–0207, 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–2019–0865.

(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 25, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–06480 Filed 3–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0719; Product Identifier 2019–NM–137–AD; Amendment 39–19876; AD 2020–05–26]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain

The Boeing Company Model 787–8 airplanes. This AD was prompted by a report of failure of a wing strut leak test due to a missing bolt on the firewall. This AD requires a one-time leak test of the strut upper spar areas for the left and right wing struts, and corrective action if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 4, 2020.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110 SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2019–0719; 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: Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3553; email: *takahisa.kobayashi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 787–8 airplanes. The NPRM published in the **Federal Register** on November 1, 2019 (84 FR 58636). The NPRM was prompted by a report of failure of a wing strut leak test due to a missing bolt on the firewall. The NPRM proposed to require a one-time leak test of the strut upper spar areas for the left and right wing struts, and corrective action if necessary.

The FAA is issuing this AD to address a hole in the firewall, which could allow flammable fluid to leak from the strut compartment to the engine compartment when the drainage provision is overwhelmed. Flammable fluid leakage into the engine compartment could result in an uncontrollable engine fire and consequent structural failure of the wing.

Comments

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

Support for the NPRM

Two commenters, Patrick Imperatrice and Seth Stewart, indicated support for the NPRM.

Request To Change the Unsafe Condition

Boeing asked that the current language for the unsafe condition specified in the proposed AD, which states, in part, ''. . . which could allow flammable fluid leakage in the strut area. This leakage could overwhelm the drainage provision, enter the engine compartment . . .'' be changed to ''. . . which could allow flammable fluid to leak from the strut compartment to the engine core compartment . . . .'' Boeing stated that the hole in the firewall due to a missing bolt does not affect the drain provision from the strut system tubing shroud. Boeing added that a missing bolt does create an unintended drain path from the strut flammable fluid compartment to the engine core compartment fire zone.

The FAA agrees with the commenter's request for the reason provided. The FAA has revised the Discussion section and paragraph (e) of this AD to include the suggested language.

Request To Clarify Certain Language

Boeing asked that the language specified in paragraph (g)(2) of the proposed AD, be changed from ''strut upper spar (strut areas . . .)'' to ''systems tubing shroud (area . . .).'' Boeing stated that the water must be applied in the systems tubing shroud, not to the strut upper spar. Boeing added that the strut upper spar between the forward and mid-vapor barriers is a dry bay, but the systems tubing shroud is a flammable leakage zone.

The FAA agrees with the commenter's request to clarify the language to be consistent with Boeing's terminology. This procedure is also provided in the Boeing 787 Aircraft Maintenance Manual (AMM), specified as additional guidance in this AD. The FAA has revised paragraph (g)(2) of this AD as suggested by the commenter.

Request To Remove Leak Test Requirement

Boeing asked that the FAA remove the leak test required by paragraph (g) of the proposed AD and either require or include an option for a visual inspection for proper installation of the bolt on the firewall, as specified in planned Boeing Service Bulletin 787–54A0021–I001. Boeing stated that paragraph (e) of the proposed AD specified that the unsafe condition was caused by a missing bolt that plugs a penetration on the strut firewall. Boeing added that a visual inspection done using the planned Boeing service information will verify the proper installation of the bolt, and ensure firewall integrity, in addition to less maintenance time than a leak test, resulting in lower costs for the airlines. Boeing also stated that the service bulletin is scheduled for release in June 2020, and will include instructions to inspect for a missing bolt, as well as corrective action to correctly install a missing bolt and perform a leak test to ensure proper drainage.

The FAA acknowledges the commenter's request, but does not agree to revise this AD. The leak test required by this AD provides a practical means to address the unsafe condition, and this method is adequate since the service information is not yet approved or available. The FAA may not require any document that does not yet exist in an AD. In general terms, the FAA is required by Office of the Federal Register (OFR) regulations for approval of materials incorporated by reference, as specified in 1 CFR 51.1(f), to either publish the service document contents as part of the actual AD language; or submit the service document to the OFR for approval as referenced material, in which case the FAA may only refer to such material in the text of an AD. Since no service information for the visual inspection has been provided to the FAA, the agency is unable to evaluate or approve an inspection method. The FAA finds that delaying this action is inappropriate in light of the identified unsafe condition. If service information for this inspection becomes available later, it may be submitted to the FAA for approval of an alternative method of compliance under the provisions of paragraph (h) of this AD. The FAA has not changed this AD in this regard.

Request To Clarify a Procedure

Boeing asked that the FAA add the language ''remove the tubing shroud cover'' to the end of paragraph (g)(1) of

the proposed AD to clarify the procedure. Boeing stated that if the tubing shroud cover is not removed, water cannot be poured into the systems tubing and side shroud areas.

The FAA partially agrees with the commenter's request. The FAA determined that only the steps necessary for properly accomplishing the leak test—not the general steps necessary to prepare for the test—are included in the AD requirements. For additional guidance, Note 1 to paragraph (g) of this AD provides information related to the procedures in the applicable section of the Boeing 787 AMM. That section includes all relevant general steps for accomplishing the required leak test. Therefore, the FAA has not changed this AD in this regard.

Request for Correction of a Paragraph Identifier

Boeing stated that there are two paragraph identifiers that are identical. Boeing noted that paragraph identifier (g)(5)(ii) of the proposed AD is repeated, and the second paragraph identifier should be (g)(5)(iii).

The FAA agrees with the commenter and has corrected the paragraph identifier accordingly.

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 changes 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.

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

Costs of Compliance

The FAA estimates that this AD affects 2 airplanes of U.S. registry. The agency estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
3 work-hours × $85 per hour = $255	$0	$255	$510

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

ESTIMATED COSTS OF ON-CONDITION ACTION

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85	Minimal	$85

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–05–26 The Boeing Company: Amendment 39–19876; Docket No. FAA–2019–0719; Product Identifier 2019–NM–137–AD.

(a) Effective Date

This AD is effective May 4, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8 airplanes, certificated in any category, line numbers 6, 11, 17, 19, 20, 21, 23, 25 through 30 inclusive, and 32 through 38 inclusive.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report of failure of a wing strut leak test due to a missing bolt on the firewall. The FAA is issuing this AD to address a hole in the firewall, which could allow flammable fluid to leak from the strut compartment to the engine compartment when the drainage provision is overwhelmed. Flammable fluid leakage into the engine compartment could result in an uncontrollable engine fire and consequent structural failure of the wing.

(f) Compliance

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

(g) Leak Test and Corrective Action

Within 12 months after the effective date of this AD: Do a one-time leak (functional) test of the strut upper spar areas for the left and right wing struts, by doing the actions specified in paragraphs (g)(1) through (5) of this AD. A review of airplane maintenance records is acceptable in lieu of this test if it can be conclusively determined from that review that the leak test was previously accomplished and successfully completed.

(1) Put a plug in the strut forward drain outlet (this drain outlet is labeled as ''pylon strut''). Put an empty container below the strut forward drain outlet to collect water drained through this outlet.

(2) Apply 381 to 387 fluid ounces (11.3 to 11.4 liters) of water in 2.5 to 3.5 minutes, to the systems tubing shroud (area between the forward and mid-vapor barriers).

(3) Make sure that no leakage occurred after doing the action specified in paragraph (g)(2) of this AD.

(4) Remove the plug from the strut forward drain outlet and make sure that the water is drained through the strut forward drain outlet only.

(5) After 3 minutes from accomplishing the action specified in paragraph (g)(4) of this AD, measure the water collected in the container, and do the applicable actions specified in paragraphs (g)(5)(i) through (iii) of this AD.

(i) If leaks were found, do corrective action before further flight using a method approved in accordance with the procedures specified in paragraph (h) of this AD.

(ii) If no leaks were found and less than 354 fluid ounces (10.5 liters) of water is collected in the container, do corrective action before further flight using a method approved in accordance with the procedures specified in paragraph (h) of this AD.

(iii) Before further flight after accomplishing any corrective action required by paragraph (g)(5)(i) or (ii) of this AD, repeat the actions specified in paragraphs (g)(1) through (5) of this AD until successful completion of the test (*i.e.,* no leaks are found and 354 fluid ounces (10.5 liters) of water or more is measured in the container).

Note 1 to paragraph (g): Additional guidance for performing the leak (functional) test can be found in Boeing 787 Aircraft Maintenance Manual (AMM), 54–65–01, Strut Spar—Upper—Functional Test.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (i)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

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

(i) Related Information

(1) For more information about this AD, contact Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3553; email: *takahisa.kobayashi@faa.gov.*

(2) For service information identified in this AD that is not incorporated by reference, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* For information on the availability of this material at the FAA, call 206–231–3195.

(j) Material Incorporated by Reference

None.

Issued on March 10, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–06459 Filed 3–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0438; Product Identifier 2019–NM–033–AD; Amendment 39–19875; AD 2020–05–25]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 757–200, –200PF, –200CB, and –300 series airplanes. This AD was prompted by a report that during a maintenance check an operator discovered cracking of the aft cargo compartment frames in the station 1460 frame web and inner chord between certain stringers. This AD requires an inspection of the fuselage frames for any existing repair, repetitive surface high frequency eddy current (HFEC) inspections of the fuselage frames with a cargo liner support channel for any cracking, and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 4, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 4, 2020.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0438.

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–2019–0438; 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: Peter Jarzomb, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5234; fax: 562–627–5210; email: *peter.jarzomb@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 757 airplanes. The NPRM published in the **Federal Register** on June 28, 2019 (84 FR 30958). The NPRM was prompted by a report that during a maintenance check an operator discovered cracking of the aft cargo compartment frames in the station 1460 frame web and inner chord between stringers S–26 and S–27 near an existing repair. The NPRM proposed to require an inspection of the fuselage frames for any existing repair, repetitive surface HFEC inspections of the fuselage frames with a cargo liner support channel for any cracking, and applicable on-condition actions.

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 757 airplanes. The SNPRM published in the **Federal Register** on December 2, 2019 (84 FR 65931). The FAA issued the SNPRM to reduce the compliance time for certain airplane configurations.

The FAA is issuing this AD to address cracking at the frame web and inner chord; such cracks could propagate until they cause a severed frame, which could result in additional undetected cracking in adjacent fuselage frames, and could ultimately result in reduced structural integrity of the aft cargo frames and consequent rapid decompression of the airplane.

Comments

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

Support for the SNPRM

Boeing and United Airlines concurred with the SNPRM. FedEx stated they had no objection to the SNPRM.

Request To Utilize Actions for a Certain Airplane Group and a Compliance Time for Another Airplane Group

VT Mobile Aerospace Engineering Inc. (VT MAE Inc.) requested to utilize inspections and methods for Group 7 airplanes, and utilize the compliance times for Groups 3 and 5 airplanes, which would reduce the repetitive inspection interval from 6,000 flight cycles to 4,000 flight cycles. VT MAE Inc. stated that its Model 757–200 airplanes were converted to freighter configuration per VT MAE Inc. supplemental type certificate (STC) ST04242AT (15 pallet configuration) and VT MAE Inc. STC ST03952AT (combi configuration/14 pallet configuration), and are no longer configured as a passenger airplanes. VT MAE Inc. also stated that Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019, shows that its converted Model 757–200 freighter fleet falls under Group 7 airplanes. VT MAE Inc. provided no justification for using compliance times for different airplane groups.

The FAA agrees to provide additional clarification. The FAA issued the SNPRM to add an airplane configuration to the NPRM that addressed FedEx's fleet of 119 airplanes (approximately 22% of the affected U.S. fleet) that were converted from a passenger configuration to a freighter configuration using VT MAE Inc. STC ST03562AT. It was determined that these airplanes are subjected to the same fatigue loads as Groups 3 and 5 airplanes, as specified in Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019. Therefore, paragraph (g)(2) of this AD was added in the SNPRM to address the required actions and compliance times for this added airplane configuration.

The FAA agrees with VT MAE Inc.'s comments that airplanes modified using VT MAE Inc. STC ST04242AT and VT MAE Inc. STC ST03952AT are no longer configured as passenger airplanes. However, the FAA disagrees with the request to include additional exceptions in this AD that are specific to certain airplanes converted by VT MAE Inc. There are many different airplane configurations across multiple operators, and ADs cannot accommodate all possible configurations.

The FAA has already delayed this AD to address one configuration. To reduce the compliance time of the proposed AD for airplanes modified using VT MAE Inc. STCs ST04242AT and ST003952AT would necessitate (under the provisions of the Administrative Procedure Act) reissuing the notice, reopening the period for public comment, considering additional comments subsequently received, and eventually issuing a final rule. That procedure could add unwarranted time to the rulemaking process. To delay this AD again would be inappropriate, since the FAA has determined that an unsafe condition exists and that inspections must be conducted to ensure continued safety. However, if additional data are presented that would justify a shorter compliance time for these airplanes, the FAA may consider further rulemaking on this issue. Under the provisions of paragraph (i) of this AD, the FAA will consider requests for approval of alternative actions and compliance times if sufficient data are submitted to substantiate that the change would provide an acceptable level of safety. The FAA has not changed this AD in this regard.

Request To Revise the Language in Note (a) of the Service Information

DAL requested that the language in Note (a) of paragraph ''3. Compliance,'' of Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019, be revised from ''meets the following criteria'' to ''meets one of the following criteria,'' and to also add ''757–200 SRM [Structural Repair Manual] 53–00–07 Repair 5'' to the criteria. DAL stated that it interprets the note to mean either criterion 1 or criterion 2 provides relief from performing the subject inspections and that the statement only takes into consideration that a repair may be approved using FAA Form 8100–9. DAL commented that ''757–200 SRM 53–00–07 Repair 5'' is also an FAA-approved repair for aft cargo compartment lower frames. DAL commented that the Boeing 757 SRM and any repair approved by The Boeing Organization Designation Authorization (ODA) using FAA Form 8100–9 are both FAA-approved and have damage tolerance analyses.

The FAA disagrees with the comment. Note (a) in Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019, is intended to address repairs that were designed as corrective actions to the unsafe condition addressed in the service information and this AD, are Boeing ODA-approved, and include a follow-on inspection program, but were installed before this AD becomes effective. For this reason, the FAA allows FAA Form 8100–9 for approved repairs that meet both criteria (1) and (2) specified in Note (a) of Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019, to be exempted from the inspections in those repaired areas, but do not allow just any FAA-approved repair to be exempted from these required inspections. However, under the provisions of paragraph (i) of this AD, the FAA will consider requests for approval of certain repairs in this area that affect compliance with this AD if sufficient data are submitted to substantiate that the change would provide an acceptable level of safety. The FAA has not changed this AD in this regard.

Request To Revise Certain Wording

DAL pointed out that Sheet 3 of 3 of Figure 21 of Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019, contains an error in the inspection task description. DAL stated that the inspection task description and general visual inspection for station 1260 nomenclature should be ''FRAME'' instead of ''FRAME WEB.'' DAL also stated that the procedure is to do a general visual inspection for any existing repairs in the area prior to accomplishing a detailed inspection and HFEC inspection. DAL commented that this is also consistent with the other general visual inspection nomenclature of adjacent frames to a frame found with a severed inner chord on Group 12 airplanes.

From these statements, the FAA infers that DAL was requesting that the SNPRM be revised to correct the error in Figure 21 (Sheet 3 of 3) of Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019. The FAA disagrees with the commenter's request. While the FAA agrees that the name of the part specified in Figure 21 (Sheet 3 of 3) of Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019, is incorrect, it will not affect the operator's ability to accomplish the inspection in Figure 21 (Sheet 3 of 3) of Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019, as the location where the inspection is to be performed is clearly identified in the figure. The FAA has not changed this AD in this regard.

Request To Define ''Unrepaired Locations''

Delta Airlines (DAL) requested that the FAA define ''unrepaired locations'' in the SNPRM to eliminate misinterpretations. DAL stated that it has interpreted the definition of ''unrepaired locations'' to mean the areas of each frame that do not have a repair, which interferes with accomplishment of the HFEC inspection. DAL commented that this interpretation is based on the possibility that airplanes in a cargo liner attachment channel configuration with two fasteners may have one fastener location with an interfering repair and one fastener location without an interfering repair. DAL also stated that it possible to interpret ''unrepaired locations'' to mean only body stations with fuselage frames free of existing repairs.

The FAA disagrees with the commenter's request. The service information defines the locations that are to be inspected for repairs and cracks. Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019, specifies operators to do a general visual inspection of the fuselage frames with a cargo liner support channel for any existing repair and provides figures that define the areas where these inspections for repairs are to be performed. The on-condition actions in Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019, then specify that if a repair in the inspection area is found to contact Boeing for alternative inspections and then to do those inspections and any corrective actions, as applicable. Paragraph (h) of this AD requires operators to do the repair, or alternative inspections and applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (i) of this AD. In addition, Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019, specifies that operators perform the inspections for cracks at the locations that did not have repairs and provides figures that clearly define those inspection areas. The FAA has not changed this AD in this regard.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019. This service information describes procedures for a general visual inspection of the fuselage frames with a cargo liner support channel for any existing repair, repetitive surface HFEC inspections of the fuselage frames with a cargo liner support channel for any cracking, and applicable on-condition actions. On-condition actions include a general visual inspection of the fuselage frames adjacent to a frame with a severed inner chord for any existing repair, a detailed inspection and a surface HFEC inspection of the fuselage frames adjacent to a frame with a severed inner chord for any cracking, and repair. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 544 airplanes of U.S. registry.

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

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
General visual inspection	37 work-hours × $85 per hour = $3,145.	$0	$3,145	$1,710,880.
Repetitive surface HFEC inspections.	Up to 37 work-hours × $85 per hour = Up to $3,145 per inspection cycle.	0	Up to $3,145 per inspection cycle.	Up to $1,710,880 per inspection cycle.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 20 work-hour × $85 per hour = Up to $1,700 per inspection cycle	$0	Up to $1,700 per inspection cycle.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–05–25 The Boeing Company: Amendment 39–19875; Docket No. FAA–2019–0438; Product Identifier 2019–NM–033–AD.

(a) Effective Date

This AD is effective May 4, 2020.

(b) Affected ADs

None.

(c) Applicability

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

(2) Installation of Supplemental Type Certificate (STC) ST01518SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01518SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by a report that during a maintenance check an operator discovered cracking of the aft cargo compartment frames in the station 1460 frame web and inner chord between certain stringers. The FAA is issuing this AD to address cracking at the frame web and inner chord; such cracks could propagate until they cause a severed frame, which could result in additional undetected cracking in adjacent fuselage frames, and could ultimately result in reduced structural integrity of the aft cargo frames and consequent rapid decompression of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Except as specified by paragraphs (g)(2) and (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019.

(2) For airplanes that have been converted from a passenger to freighter configuration using VT Mobile Aerospace Engineering Inc. (VT MAE Inc.) STC ST03562AT: Except as specified by paragraph (h) of this AD, at the times specified for Groups 3 and 5 airplanes, as applicable, in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019, do all

applicable actions for Groups 2, 7, and 10 airplanes as identified in, and in accordance with the Accomplishment Instructions of Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 757–53A0113, dated February 22, 2019, which is referred to in Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019.

(h) Exceptions To Service Information Specifications

(1) Where Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019, uses the phrase ''the original issue date of Requirements Bulletin 757–53A0113 RB,'' this AD requires using ''the effective date of this AD,'' except where Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019, uses the phrase ''the original issue date of Requirements Bulletin 757–53A0113 RB'' in a note or flag note.

(2) Where Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019, specifies contacting Boeing for repair instructions or for alternative inspections: This AD requires doing the repair, or doing the alternative inspections and applicable on-condition actions before further flight using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-ANM-LAACO-AMOC-Requests@faa.gov.*

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

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

(j) Related Information

(1) For more information about this AD, contact Peter Jarzomb, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5234; fax: 562–627–5210; email: *peter.jarzomb@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (k)(3) and (4) of this AD.

(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) Boeing Alert Requirements Bulletin 757–53A0113 RB, dated February 22, 2019.

(ii) [Reserved]

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

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

(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 10, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–06508 Filed 3–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0870; Product Identifier 2019–NM–125–AD; Amendment 39–19858; AD 2020–04–22]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2018–19–27 and AD 2014–16–12, which applied to certain Dassault Aviation Model FALCON 2000EX airplanes. AD 2018–19–27 and AD 2014–16–12 required revising the existing maintenance or inspection program, as applicable, to incorporate new maintenance requirements and airworthiness limitations. This AD retains those actions and requires revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations. This AD was prompted by the FAA's determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 4, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 4, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of November 13, 2018 (83 FR 50479, October 9, 2018).

ADDRESSES: For service information identified in this final rule, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; phone: 201–440–6700; internet: *https://www.dassaultfalcon.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0870.

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–2019–0870; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0154, dated July 3, 2019 (''EASA AD 2019–0154'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Dassault Aviation Model FALCON 2000EX airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0870.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2018–19–27, Amendment 39–19428 (83 FR 50479, October 9, 2018) (''AD 2018–19–27''). AD 2018–19–27 applied to certain Dassault Aviation Model FALCON 2000EX airplanes. AD 2018–19–27 required revising the existing maintenance or inspection program, as applicable, to incorporate new maintenance requirements and airworthiness limitations. AD 2018–19–27 resulted from a determination that new or more restrictive maintenance requirements and airworthiness limitations were necessary. AD 2018–19–27 specified that accomplishing the actions required by paragraph (g) of that AD terminated the requirements of AD 2014–16–12, Amendment 39–17936 (79 FR 52187, September 3, 2014) (''AD 2014–16–12''), but it did not supersede AD 2014–16–12. In addition, AD 2018–19–27 specified that accomplishing paragraph (g) of that AD terminated the requirements of paragraph (g)(1) of AD 2010–26–05, Amendment 39–16544 (75 FR 79952, December 21, 2010) (''AD 2010–26–05''), for Dassault Aviation Model FALCON 2000EX airplanes. This terminating provision of certain requirements of AD 2010–26–05 is included in this AD. This AD supersedes AD 2018–19–27 and AD 2014–16–12, but does not supersede AD 2010–26–05.

The NPRM published in the **Federal Register** on November 19, 2019 (84 FR 63827). The NPRM was prompted by the FAA's determination that new or more restrictive airworthiness limitations are necessary. The NPRM proposed to retain the actions required by AD 2018–19–27. The NPRM also proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations. The FAA is issuing this AD to address reduced structural integrity of the airplane. See the MCAI for additional background information.

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Dassault has issued Chapter 5–40, Airworthiness Limitations, DGT 113877, Revision 12, dated November 2018, of the Dassault Falcon 2000EX Maintenance Manual. This service information describes instructions applicable to airworthiness and safe life limitations.

This AD also requires Chapter 5–40, Airworthiness Limitations, DGT 113877, Revision 11, dated November 2017, of the Dassault Falcon 2000EX Maintenance Manual, which the Director of the Federal Register approved for incorporation by reference as of November 13, 2018 (83 FR 50479, October 9, 2018).

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

Costs of Compliance

The FAA estimates that this AD affects 173 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA estimates the total cost per operator for the retained actions from AD 2018–19–27 to be $7,650 (90 work-hours × $85 per work-hour).

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2018–19–27, Amendment 39–19428 (83 FR 50479, October 9, 2018); and AD 2014–16–12, Amendment 39–17936 (79 FR 52187, September 3, 2014); and

■ b. Adding the following new AD:

2020–04–22 Dassault Aviation: Amendment 39–19858; Docket No. FAA–2019–0870; Product Identifier 2019–NM–125–AD.

(a) Effective Date

This AD is effective May 4, 2020.

(b) Affected ADs

(1) This AD replaces AD 2018–19–27, Amendment 39–19428 (83 FR 50479, October 9, 2018) (''AD 2018–19–27''); and AD 2014–16–12, Amendment 39–17936 (79 FR 52187, September 3, 2014) (''AD 2014–16–12'').

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

(c) Applicability

This AD applies to Dassault Aviation Model FALCON 2000EX airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before January 15, 2019.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time limits/maintenance checks.

(e) Reason

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address reduced structural integrity of the airplane.

(f) Compliance

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

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

This paragraph restates the requirements of paragraph (g) of AD 2018–19–27, with no changes. Within 90 days after November 13, 2018 (the effective date of AD 2018–19–27), revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Chapter 5–40, Airworthiness Limitations, DGT 113877, Revision 11, dated November 2017, of the Dassault Falcon 2000EX Maintenance Manual. The initial compliance times for doing the tasks are at the time specified in Chapter 5–40, Airworthiness Limitations, DGT 113877, Revision 11, dated November 2017, of the Dassault Falcon 2000EX Maintenance Manual, or within 90 days after November 13, 2018, whichever occurs later; except for task number 52–20–00–610–801–01, the initial compliance time is within 24 months after October 8, 2014 (the effective date of AD 2014–16–12). The term ''LDG'' in the ''First Inspection'' column of any table in Chapter 5–40, Airworthiness Limitations, DGT 113877, Revision 11, dated November 2017, means total airplane landings. The term ''FH'' in the ''First Inspection'' column of any table in Chapter 5–40, Airworthiness Limitations, DGT 113877, Revision 11, dated November 2017, means total flight hours. The term ''FC'' in the ''First Inspection'' column of any table in Chapter 5–40, Airworthiness Limitations, DGT 113877, Revision 11, dated November 2017, means total flight cycles.

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

This paragraph restates the requirements of paragraph (h) of AD 2018–19–27, with a new exception. Except as required by paragraph (i) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l)(1) of this AD.

(i) New Maintenance or Inspection Program Revision

Within 90 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in Chapter 5–40, Airworthiness Limitations, DGT 113877, Revision 12, dated November 2018, of the Dassault Falcon 2000EX Maintenance Manual. The initial compliance times for doing the tasks are at the time specified in Chapter 5–40, Airworthiness Limitations, DGT 113877, Revision 12, dated November 2018, of the Dassault Falcon 2000EX Maintenance Manual, or within 90 days after the effective date of this AD, whichever occurs later; except for task number 52–20–00–610–801–01, the initial compliance time is within 24 months after October 8, 2014 (the effective date of AD 2014–16–12). The term ''LDG'' in the ''First Inspection'' column of any table in the service information specified in this paragraph means total airplane landings. The term ''FH'' in the ''First Inspection'' column of any table in the service information specified in this paragraph means total flight hours. The term ''FC'' in the ''First Inspection'' column of any table in the service information specified in this paragraph means total flight cycles. Doing the revision required by this paragraph terminates the actions required by paragraph (g) of this AD.

(j) New Provision: No Alternative Actions or Intervals

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

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

Accomplishing the actions required by paragraph (g) or (i) of this AD terminates the requirements of paragraph (g)(1) of AD 2010–26–05, for Dassault Aviation Model FALCON 2000EX airplanes.

(l) Other FAA AD Provisions

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (m)(2) of this AD. Information may be emailed to *9-ANM-116-AMOC-REQUESTS@faa.gov.*

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

(ii) AMOCs approved previously for AD 2018-19-27 are not approved as AMOCs for this AD.

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

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2019–0154, dated July 3, 2019 (''EASA AD 2019–0154''), for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0870.

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

(n) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on May 4, 2020.

(i) Chapter 5–40, Airworthiness Limitations, DGT 113877, Revision 12, dated November 2018, of the Dassault Falcon 2000EX Maintenance Manual.

(ii) [Reserved]

(4) The following service information was approved for IBR on November 13, 2018 (83 FR 50479, October 9, 2018).

(i) Chapter 5–40, Airworthiness Limitations, DGT 113877, Revision 11, dated November 2017, of the Dassault Falcon 2000EX Maintenance Manual.

(ii) [Reserved]

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

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

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

Issued on March 1, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–06469 Filed 3–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0717; Product Identifier 2019–NM–133–AD; Amendment 39–19879; AD 2020–06–10]

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 certain Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. This AD was prompted by a report of cracking found on the frame of the right-hand side sliding window in the flight deck. This AD requires repetitive inspections for cracking of the vertical stiffeners of the left- and right-hand sides of the window frames 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 May 4, 2020.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 4, 2020.

ADDRESSES: For the EASA 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.*

For the Airbus material incorporated by reference in this AD, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; internet *https://www.airbus.com.*

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–2019–0717.

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–2019–0717; 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: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *sanjay.ralhan@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0173, dated July 18, 2019 (''EASA AD 2019–0173'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. Model A320–215 airplanes are not on the U.S. Register; this AD therefore does not include those airplanes in the applicability.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The NPRM published in the **Federal Register** on October 28, 2019 (84 FR 57660). The NPRM was prompted by a report of cracking found on the frame of the right-hand side sliding window in the flight deck. The NPRM proposed to require repetitive inspections for cracking of the vertical stiffeners of the left- and right-hand sides of the window frames and corrective actions if necessary.

The FAA is issuing this AD to address cracking of the vertical stiffeners of the left- and right-hand sides of the window frames, which could affect the structural integrity of the airplane. See the MCAI for additional background information.

Comments

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

Support for the NPRM

Delta Airlines (DAL) stated its concurrence with the intent of the NPRM.

Request To Allow the Use of Additional Service Information

Airbus asked to allow the use of the following Airbus technical adaptations (TAs) during accomplishment of the related Airbus service bulletins (as identified only in section 13 of each TA), noting that they pertain to an RC (required for compliance) section of the applicable service information. Airbus stated that the TAs will ensure that the

eccentric is properly reinstalled in the sliding window frame after removal.

- Airbus TA 80662272/007/2019, Issue 1, dated August 29, 2019 (Airbus Service Bulletin A320–53–1402, dated May 17, 2018)
- Airbus TA 80662272/008/2019, Issue 1, dated August 29, 2019 (Airbus Service Bulletin A320–53–1403, dated May 17, 2018)
- Airbus TA 80662272/009/2019, Issue 1, dated August 29, 2019 (Airbus Service Bulletin A320–53–1406, dated May 17, 2018)
- Airbus TA 80662272/010/2019, Issue 1, dated August 29, 2019 (Airbus Service Bulletin A320–53–1407, dated May 17, 2018)
- Airbus TA 80696258/006/2019, Issue 1, dated October 29, 2019 (Airbus Service Bulletin A320–53–1404, dated May 17, 2018)
- Airbus TA 80696258/007/2019, Issue 1, dated October 29, 2019 (Airbus Service Bulletin A320–53–1405, dated May 17, 2018)

The FAA agrees with the commenter's request for the reason provided. The FAA has added paragraph (h)(4) to this AD to reference these TAs.

Airbus also asked that the requirements in the proposed AD related to these TAs be defined more robustly than merely referring to EASA AD 2019–0173.

The FAA partially agrees. Paragraph (h)(4) of this AD is an exception to EASA AD 2019–0173 and references the service information specified in EASA AD 2019–0173. Paragraph (h)(4) of this AD has been revised to clarify the use of the TAs when complying with the requirements of this AD.

Request To Add an Airworthiness Limitations Item (ALI) Task

United Airlines (UAL) asked to add ALI Task 531136 to the proposed AD, to accomplish with the inspection specified in Airbus Service Bulletins A320–53–1402 and A320–53–1403, both dated May 17, 2018. UAL stated that ALI Task 531136 is a new inspection task introduced in Revision 46 of the maintenance planning document (MPD), and that Airbus has cancelled ALI Task 531133 in airworthiness limitations section (ALS) Part 2, Revision 8. UAL noted that Airbus TFU/ISI 53.11.00.018 can be referenced for additional information. UAL added that if ALI Task 531133 remains active, there will be duplicate inspection requirements for the same location (the vertical stiffeners).

The FAA does not agree with the commenter's request. ALS Part 2, Revision 8, might be mandatory for certain airplanes, but not for all U.S-registered airplanes. The compliance time for certain airplane configurations provided in Appendix 1 of EASA AD 2019–0173 is for inspections performed using ALI Task 531133. The FAA has not received any information from EASA or Airbus that ALI Task 531133 should be replaced with ALI Task 531136. Paragraph (6) of EASA AD 2019–0173, specifies that accomplishment of the inspection per ALI Task 531133–02–1 on an airplane within the threshold and intervals as defined in paragraph (1) of EASA AD 2019–0173, constitutes an acceptable method to comply with the requirements of paragraph (1) of EASA AD 2019–0173 for that airplane. Therefore, no duplication of the inspection requirements will occur. The AD has not been changed in this regard.

Request for Confirmation That Inspections Are Required Using Both EASA AD 2019–0173 and Applicable Repair Design Approval Sheet (RDAS)

DAL requested confirmation that when an RDAS exists for a repair of the referenced inspection area, the inspection must be accomplished per both the requirements in EASA AD 2019–0173, and each applicable RDAS. DAL stated that paragraph (5) of EASA AD 2019–0173 states that aircraft inspected and repaired before the effective date of the proposed AD per the instructions documented in an RDAS should ''accomplish the next due inspection for each repaired area in accordance with, and within the time period after repair, as specified in Airbus RDAS, as applicable.'' DAL stated that it recognizes that this does not terminate the inspection criteria. DAL further noted that, if this interpretation is correct, a duplicate inspection requirements is created, which could ultimately result in inspection in the same area twice at the same maintenance check.

The FAA acknowledges DAL's request and has determined that clarification is necessary. The FAA agrees that the requirements of paragraph (5) of EASA AD 2019–0173 do not terminate the repetitive inspection requirements of paragraph (1) of EASA AD 2019–0173. The FAA also agrees that there may be duplicate requirements for inspections in accordance with paragraphs (1) and (5) of the EASA AD; however, if the description and compliance time for the special detailed inspection required by the RDAS and paragraph (1) of the EASA AD are identical, operators need not perform duplicate inspections. If there are differences between the inspection requirements in the RDAS and EASA AD paragraph (1), operators can contact the manufacturer for an alternative method of compliance approved by the FAA, EASA, or EASA's Design Organization Approval (DOA). The AD has not been changed in this regard.

Request To Revise Reporting Requirement

DAL asked that the reporting requirement in paragraph (h)(3) of the proposed AD be revised to require reporting of only positive findings, in lieu of both positive and negative findings. DAL stated that, based on substantial cyclical data collected through accomplishment of ALI Task 531133 and multiple reports of positive cracking indications, Airbus has been able to develop and publish standardized repair instructions for cracking, which have been incorporated into modification service information. DAL added that, since a sufficient amount of data has been collected over time to develop these standard repairs and modifications, only positive findings should be reported. DAL concluded that, as long as accomplishment of ALI Task 531133 yielded positive findings, paragraph (h)(3)(ii) of the proposed AD should include a statement that only positive findings should be reported for inspections done before the effective date of the AD.

DAL also requested that, if revising paragraph (h)(3) of the proposed AD to specify reporting of positive inspection findings only, the FAA revise paragraph (h)(3)(ii) to include a statement that only positive findings for inspections accomplished prior to the effective date of the AD require reporting.

The FAA does not agree with the commenter's requests. The FAA has received no information suggesting that sufficient data has been collected to exclude reports of negative findings. EASA AD 2019–0173 requires repetitive inspections after accomplishing the modification, and there is no terminating action for those inspections. Further, DAL provided no substantiating data to support its assertion that, so long as cracking found during ALI Task 531133 inspections was the driver for inspections using the specified inspection service information, 100 percent of crack findings were found during inspections performed using inspection service information implemented before the effective date of this AD. Therefore, the AD has not been changed in this regard.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the changes 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.

The FAA 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 2019–0173 describes procedures for repetitive inspections for cracking of the vertical stiffeners of the left- and right-hand sides of the window frame, and corrective actions if necessary. Corrective actions include modification, rework, and repair.

Airbus issued the following TAs, which provide missing torque values used during reinstallation of the eccentric in the sliding window frame. These TAs are distinct since they provide torque values used in reinstallation of the eccentric using service information specified in EASA AD 2019–0173 (service information that applies to different actions and locations).

- Airbus TA 80662272/007/2019, Issue 1, dated August 29, 2019.
- Airbus TA 80662272/008/2019, Issue 1, dated August 29, 2019.
- Airbus TA 80662272/009/2019, Issue 1, dated August 29, 2019.
- Airbus TA 80662272/010/2019, Issue 1, dated August 29, 2019.
- Airbus TA 80696258/006/2019, Issue 1, dated October 29, 2019.
- Airbus TA 80696258/007/2019, Issue 1, dated October 29, 2019.

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

Costs of Compliance

The FAA estimates that this AD affects 988 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
11 work-hours × $85 per hour = $935	$0	$935	$923,780

* Table does not include estimated costs for reporting.

The FAA estimates that it takes about 1 work-hour per product to comply with the reporting requirement in this AD. The average labor rate is $85 per hour. Based on these figures, the FAA estimates the cost of reporting the inspection results on U.S. operators to be $83,980, or $85 per product.

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

ESTIMATED COSTS OF ON-CONDITION MODIFICATION

Labor cost	Parts cost	Cost per product
5 work-hours × $85 per hour = $425	(*)	$425 *

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

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

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):

2020–06–10 Airbus SAS: Amendment 39–19879; Docket No. FAA–2019–0717; Product Identifier 2019–NM–133–AD.

(a) Effective Date

This AD is effective May 4, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model airplanes specified in paragraphs (c)(1) through (4) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2019–0173, dated July 18, 2019 (''EASA AD 2019–0173'').

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

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

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

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

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by a report of cracking found on the frame of the right-hand side sliding window in the flight deck. The FAA is issuing this AD to address cracking of the vertical stiffeners of the left- and right-hand sides of the window frames, which could affect the structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2019–0173.

(h) Exceptions to EASA AD 2019–0173

(1) Where EASA AD 2019–0173 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2019–0173 does not apply to this AD.

(3) Paragraph (4) of EASA AD 2019–0173 specifies to report inspection results to Airbus within a certain compliance time. For this AD, report inspection results at the applicable time specified in paragraph (h)(3)(i) or (ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 90 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 90 days after the effective date of this AD.

(4) This AD allows the use of the torque values specified in Section 13 of the Airbus technical adaptations (TAs) identified in paragraphs (h)(4)(i) through (vi) of this AD, when installing a certain eccentric referenced in the applicable Airbus service bulletin, as specified in the applicable TA.

(i) Airbus TA 80662272/007/2019, Issue 1, dated August 29, 2019.

(ii) Airbus TA 80662272/008/2019, Issue 1, dated August 29, 2019.

(iii) Airbus TA 80662272/009/2019, Issue 1, dated August 29, 2019.

(iv) Airbus TA 80662272/010/2019, Issue 1, dated August 29, 2019.

(v) Airbus TA 80696258/006/2019, Issue 1, dated October 29, 2019.

(vi) Airbus TA 80696258/007/2019, Issue 1, dated October 29, 2019.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(3) *Required for Compliance (RC*): For any service information referenced in EASA AD 2019–0173 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(4) *Paperwork Reduction Act Burden Statement:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory as required by this AD; the nature and extent of confidentiality to be provided, if any. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

(j) Related Information

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

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2019–0173, dated July 18, 2019.

(ii) Airbus Technical Adaptation 80662272/007/2019, Issue 1, dated August 29, 2019.

(iii) Airbus Technical Adaptation 80662272/008/2019, Issue 1, dated August 29, 2019.

(iv) Airbus Technical Adaptation 80662272/009/2019, Issue 1, dated August 29, 2019.

(v) Airbus Technical Adaptation 80662272/010/2019, Issue 1, dated August 29, 2019.

(vi) Airbus Technical Adaptation 80696258/006/2019, Issue 1, dated October 29, 2019.

(vii) Airbus Technical Adaptation 80696258/007/2019, Issue 1, dated October 29, 2019.

(3) For information about EASA AD 2019–0173, 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) For information about the Airbus service information incorporated by reference in this AD, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; internet *https://www.airbus.com.*

(5) 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–2019–0717.

(6) 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 March 16, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–06504 Filed 3–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–472]

Schedules of Controlled Substances: Placement of FUB–AMB in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: The Drug Enforcement Administration (DEA) places methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate (other names: FUB–AMB, MMB–FUBINACA, AMB–FUBINACA), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, in schedule I of the Controlled Substances Act. This action continues the imposition of the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, import, export, engage in research, conduct instructional activities or chemical analysis, or possess), or propose to handle FUB–AMB.

DATES: Effective March 30, 2020.

FOR FURTHER INFORMATION CONTACT: Scott A. Brinks, Regulatory Drafting and Policy Support Section, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–8953.

SUPPLEMENTARY INFORMATION:

Legal Authority

The Controlled Substances Act (CSA) provides that proceedings for the issuance, amendment, or repeal of the scheduling of any drug or other substance may be initiated by the Attorney General (1) on his own motion; (2) at the request of the Secretary of the Department of Health and Human Services (HHS) [1]; or (3) on the petition of any interested party. 21 U.S.C. 811(a). This action was initiated on the Attorney General's own motion, as delegated to the Administrator of DEA, and is supported by, *inter alia,* a recommendation from the Assistant Secretary for Health of HHS and an evaluation of all relevant data by DEA. This action continues the imposition of the regulatory controls and administrative, civil, and criminal sanctions of schedule I controlled substances on any person who handles or proposes to handle FUB–AMB.

Background

On November 3, 2017, DEA published an order in the **Federal Register** amending 21 CFR 1308.11(h) to temporarily place methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate (other names: FUB–AMB, MMB–FUBINACA, AMB–FUBINACA) in schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). 82 FR 51154. That temporary scheduling order was effective on the date of publication, and was based on findings by the former Acting Administrator of the DEA (Acting Administrator) that the temporary scheduling of FUB–AMB was necessary to avoid an imminent hazard to the public safety pursuant to 21 U.S.C. 811(h)(1). Section 201(h)(2) of the CSA, 21 U.S.C. 811(h)(2), requires that the temporary control of this substance expires two years from the issuance date of the scheduling order, on or before November 3, 2019. However, the CSA also provides that during the pendency of proceedings under 21 U.S.C. 811(a)(1) with respect to the substance, the temporary scheduling of that substance could be extended for up to one year. Accordingly, on October 30, 2019, DEA extended the temporary scheduling of FUB–AMB by one year, or until November 2, 2020. 84 FR 58045. Also, on October 30, 2019, DEA published a notice of proposed rulemaking (NPRM) to permanently control FUB–AMB in schedule I of the CSA. 84 FR 58090. Specifically, DEA proposed to add FUB–AMB to the hallucinogenic substances list under 21 CFR 1308.11(d).

DEA and HHS Eight Factor Analyses

On September 19, 2019, HHS provided DEA with a scientific and medical evaluation document prepared by the Food and Drug Administration (FDA) entitled ''Basis for the Recommendation to Place Methyl 2-(1-(4-fluorobenzyl)-1*H* -indazole-3-carboxamido)-3-methylbutanoate (FUB–AMB, MMB–FUBINACA, AMB–FUBINACA), and its salts, in schedule I of the CSA.'' After considering the eight factors in 21 U.S.C. 811(c), FUB–AMB's abuse potential, lack of legitimate medical use in the United States, and lack of accepted safety for use under medical supervision pursuant to 21 U.S.C. 812(b), HHS Assistant Secretary recommended that FUB–AMB be controlled in schedule I of the CSA. In response, DEA conducted its own eightfactor analysis of FUB–AMB and concluded that this substance warrants control in schedule I of the CSA. Both DEA's and HHS's eight-factor analyses are available in their entirety in the public docket for this rule (Docket Number DEA–472) at *http://*

[1] As set forth in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), the FDA acts as the lead agency within the Department of Health and Human Services (HHS) in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518, Mar. 8, 1985. The Secretary of the HHS has delegated to the Assistant Secretary for Health of the HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460, July 1, 1993.

www.regulations.gov under ''Supporting Documents.''

Determination to Schedule FUB–AMB

After a review of the available data, including the scientific and medical evaluation and the scheduling recommendation from HHS, DEA published an NPRM entitled ''Schedules of Controlled Substances: Placement of FUB–AMB in Schedule I.'' This NPRM proposed to control FUB–AMB, and its salts, isomers, and salts of isomers in schedule I of the CSA. 84 FR 58090, October 30, 2019. The proposed rule provided an opportunity for interested persons to file a request for hearing in accordance with DEA regulations on or before November 29, 2019. No requests for such a hearing were received by DEA. The Notice of Proposed Rulemaking also provided an opportunity for interested persons to submit comments on the proposed rule on or before November 29, 2019.

Comments Received

DEA received four comments on the proposed rule to control FUB–AMB in schedule I of the CSA.

Support for rulemaking: One commenter recognized the dangers and public health risks, and supported the rulemaking to permanently place FUB–AMB in schedule I.

DEA Response: DEA appreciates the comment in support of this rulemaking.

Unrelated to rulemaking: One comment did not pertain to the rulemaking.

Mixed support for rulemaking: One commenter referred to FUB–AMB as a stimulant, and stated that they knew why the situation is being addressed following its abuse. The commenter stated that there are people that need this substance, and stimulants in general, for their health, but did not go further into details specifically for FUB–AMB.

DEA Response: Contrary to the commenter's statement, FUB–AMB is not a stimulant, and is a synthetic cannabinoid substance. As stated by HHS in its letter dated June 9, 2017 to DEA, there are currently no approved drug applications or active investigational new drug applications for FUB–AMB, and FUB–AMB has not been shown to be safe and effective for any clinical condition. Therefore, FUB–AMB has no accepted medical use for treatment in the United States. Further, since its initial identification in the United States in June 2014, serious adverse effects including deaths have been reported following its use (see eight-factor analysis at Docket Number DEA–472).

Research on Schedule I Controlled Substances: One commenter stated that no drug should be barred from use in academic and clinical research settings. The commenter stated that it is important to study the therapeutic effects and potential benefits of a substance. The commenter further mentioned that placing drugs in schedule I reduces their access and prohibits research. The commenter also suggested decriminalization of all drugs.

DEA response: DEA disagrees with the commenter's statement that schedule I drugs are prohibited from being researched by the scientific community. Placing a substance in schedule I of the CSA does not prohibit research on that substance, including FUB–AMB. The CSA provided the specific administrative process to approve the bonafide research with schedule I drug substances. A schedule I registrant can conduct research with schedule I substances upon receiving appropriate approval from DEA.

With regard to the commenter's statement related to drug policy involving decriminalization of all drugs, this comment is outside the scope of the current scheduling action. DEA's mission is to enforce the controlled substance laws and regulations. The CSA contains specific mandates pertaining to the scheduling of controlled substances. DEA has followed all of those mandates regarding the scheduling of FUB–AMB, including receiving from HHS Assistant Secretary a scientific and medical evaluation, and scheduling recommendation regarding control (21 U.S.C. 811(b)); considering the factors enumerated in 21 U.S.C. 811(c); determining, based on the above, appropriate scheduling for FUB–AMB (21 U.S.C. 812(b)); and conducting a formal rulemaking to schedule FUB–AMB (21 U.S.C. 811(a)). FUB–AMB satisfies the CSA's criteria for placement in schedule I by virtue of its high potential for abuse, the fact that FUB–AMB has no currently accepted medical use in treatment in the United States, and its lack of accepted safety for use of this substance under medical supervision. 21 U.S.C. 812(b)(1).

Additional information about FUB–AMB can be viewed in the public docket for this rule (Docket Number DEA–472) at *http://www.regulations.gov* under ''Supporting Documents.''

Scheduling Conclusion

After consideration of the relevant matter presented as a result of public comments, the scientific and medical evaluation and the accompanying scheduling recommendation of HHS, and after its own eight-factor evaluation, DEA finds that these facts and all other relevant data constitute substantial evidence of potential for abuse of FUB–AMB. As such, DEA is permanently scheduling FUB–AMB as a controlled substance under the CSA.

Determination of Appropriate Schedule

The CSA establishes five schedules of controlled substances known as schedules I, II, III, IV, and V. The CSA also outlines the findings required to place a drug or other substance in any particular schedule. 21 U.S.C. 812(b). After consideration of the analysis and recommendation of the Assistant Secretary for HHS and review of all other available data, the Acting Administrator of the DEA, pursuant to 21 U.S.C. 811(a) and 21 U.S.C. 812(b)(1), finds that:

(1) Methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate (other names: FUB–AMB, MMB–FUBINACA, AMB–FUBINACA) has a high potential for abuse that is comparable to other schedule I substances such as delta-9-tetrahydrocannabinol (Δ^9-THC) and JWH–018;

(2) Methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate (other names: FUB–AMB, MMB–FUBINACA, AMB–FUBINACA) has no currently accepted medical use in treatment in the United States [2]; and

(3) There is a lack of accepted safety for use of methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate (other names: FUB–AMB, MMB–FUBINACA, AMB–FUBINACA) under medical supervision.

Based on these findings, the Acting Administrator of DEA concludes that methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate (other names: FUB–AMB, MMB–FUBINACA, AMB–

[2] Although there is no evidence suggesting that methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate (other names: FUB–AMB, MMB–FUBINACA, AMB–FUBINACA) has a currently accepted medical use in treatment in the United States, it bears noting that a drug cannot be found to have such medical use unless DEA concludes that it satisfies a five-part test. Specifically, with respect to a drug that has not been approved by the FDA, to have a currently accepted medical use in treatment in the United States, all of the following must be demonstrated:

i. the drug's chemistry must be known and reproducible;

ii. there must be adequate safety studies;

iii. there must be adequate and well-controlled studies proving efficacy;

iv. the drug must be accepted by qualified experts; and

v. the scientific evidence must be widely available.

57 FR 10499 (1992).

FUBINACA), including its salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible, warrants control in schedule I of the CSA. 21 U.S.C. 812(b)(1).

Requirements for Handling FUB–AMB

FUB–AMB will continue [3] to be subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, dispensing, importing, exporting, research, and conduct of instructional activities, including the following:

1. *Registration.* Any person who handles (manufactures, distributes, imports, exports, engages in research, or conducts instructional activities or chemical analysis with, or possesses), or who desires to handle, FUB–AMB, must be registered with DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958 and in accordance with 21 CFR parts 1301 and 1312.

2. *Security.* FUB–AMB is subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 821 and 823 and in accordance with 21 CFR parts 1301.71–1301.93.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of FUB–AMB must be in compliance with 21 U.S.C. 825 and 958(e), and be in accordance with 21 CFR part 1302.

4. *Quota.* Only registered manufacturers are permitted to manufacture FUB–AMB in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303.

5. *Inventory.* Every DEA registrant whose registration currently authorizes handling FUB–AMB and who possesses any quantity of FUB–AMB on the effective date of this final rule must maintain an inventory of all stocks of FUB–AMB on hand, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11. Any person who becomes registered with DEA on or after the effective date of this final rule must take an initial inventory of all stocks of FUB–AMB on hand pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11. After the initial inventory, every DEA registrant must take a new inventory of all stocks of controlled substances (including FUB–AMB) on hand every two years pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records and Reports.* Every DEA registrant must maintain records and submit reports with respect to FUB–AMB, pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR parts 1304 and 1312.

7. *Order Forms.* Every DEA registrant who distributes FUB–AMB must continue to comply with the order form requirements, pursuant to 21 U.S.C. 828, and 21 CFR part 1305.

8. *Importation and Exportation.* All importation and exportation of FUB–AMB must continue to be in compliance with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

9. *Liability.* Any activity involving FUB–AMB not authorized by, or in violation of, the CSA or its implementing regulations is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866, 13563, and 13771, Regulatory Planning and Review, Improving Regulation and Regulatory Review, and Reducing Regulation and Controlling Regulatory Costs

In accordance with 21 U.S.C. 811(a), this final scheduling action is subject to formal rulemaking procedures performed ''on the record after opportunity for a hearing,'' which are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The CSA sets forth the criteria for scheduling a drug or other substance. Such actions are exempt from review by the Office of Management and Budget (OMB) pursuant to section 3(d)(1) of Executive Order 12866 and the principles reaffirmed in Executive Order 13563.

This final rule does not meet the definition of an Executive Order 13771 regulatory action. OMB has previously determined that formal rulemaking actions concerning the scheduling of controlled substances, such as this rule, are not significant regulatory actions under section 3(f) of Executive Order 12866.

Executive Order 12988, Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This rulemaking does not have federalism implications warranting the application of Executive Order 13132. The rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This rule does not have tribal implications warranting the application of Executive Order 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Regulatory Flexibility Act (RFA)

The Acting Administrator, in accordance with the RFA, 5 U.S.C. 601–602, has reviewed this final rule and by approving it certifies that it will not have a significant economic impact on a substantial number of small entities. On November 3, 2017, DEA published an order to temporarily place FUB–AMB in schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). On October 30, 2019, DEA published a temporary scheduling order extending the temporary scheduling of FUB–AMB for up to one year pursuant to 21 U.S.C. 8119h)(2). Accordingly, all entities that currently handle or plan to handle FUB–AMB have already established and implemented the systems and processes required to handle FUB–AMB. There are currently 22 registrations authorized to handle FUB–AMB specifically, as well as a number of registered analytical labs that are authorized to handle schedule I controlled substances generally. These 22 registrations represent 20 entities, of which 12 are small entities. Therefore, DEA estimates 12 small entities are affected by this rule.

A review of the 22 registrations indicates that all entities that currently handle FUB–AMB also handle other schedule I controlled substances, and have established and implemented (or maintain) the systems and processes required to handle FUB–AMB. Therefore, DEA anticipates that this rule will impose minimal or no economic impact on any affected entities; and, thus, will not have a significant economic impact on any of the 12 affected small entities. Therefore, DEA

[3] FUB–AMB is currently subject to schedule I controls on a temporary basis, pursuant to 21 U.S.C. 811(h). 82 FR 51154, November 3, 2017.

has concluded that this rule will not have a significant effect on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995 (UMRA)

In accordance with the UMRA of 1995, 2 U.S.C. 1501 *et seq.,* DEA has determined and certifies that this action would not result in any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year. Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Paperwork Reduction Act of 1995

This action does not impose a new collection of information under the Paperwork Reduction Act of 1995. 44 U.S.C. 3501–3521. This action would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Congressional Review Act (CRA)

This rule is not a major rule as defined by the CRA, 5 U.S.C. 804. This rule will not result in: ''an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.'' However, pursuant to the CRA, DEA has submitted a copy of this final rule to both Houses of Congress and to the Comptroller General.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, 21 CFR part 1308 is amended as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11:
■ a. Add paragraph (d)(79); and
■ b. Remove and reserve paragraph (h)(18).

The addition reads as follows:

§ 1308.11 Schedule I.

* * * * *

(d) * * *

(79) methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate, (FUB–AMB, MMB–FUBINACA, AMB–FUBINACA) . . . (7021)

* * * * *

Dated: March 13, 2020.

Uttam Dhillon,

Acting Administrator.

[FR Doc. 2020–06176 Filed 3–27–20; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 170

[201A2100DD/AAKC001030/A0A501010.999900 253G]

RIN 1076–AF45

Tribal Transportation Program; Inventory of Proposed Roads

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs (BIA) is finalizing a change to a provision in the Tribal Transportation Program regulations affecting proposed roads that are currently in the National Tribal Transportation Facility Inventory (NTTFI). Specifically, this final rule deletes the requirement for Tribes to collect and submit certain data in order to keep those proposed roads in the NTTFI. The requirement to collect and submit data to add new proposed roads to the NTTFI remains in place.

DATES: This rule is effective on April 29, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. LeRoy Gishi, Division of Transportation, Office of Indian Services, Bureau of Indian Affairs, (202) 513–7711, *leroy.gishi@bia.gov.*

SUPPLEMENTARY INFORMATION:

Regulations governing the Tribal Transportation Program were published in 2016. *See* 81 FR 78456 (November 7, 2016). The regulations became effective on December 7, 2016, except for § 170.443, which required Tribes' compliance one year later: On November 7, 2017. Section 170.443 required Tribes to collect data for proposed roads to be added to, or remain in, the NTTFI. BIA then further delayed the November 7, 2017, deadline for compliance with § 170.443 to November 7, 2019. *See* 82 FR 50312 (October 31, 2017), 83 FR 8609 (February 28, 2018). The purpose of the delay was to provide BIA with time to reexamine whether revision or deletion of the data collection requirements in § 170.443 would be appropriate. BIA staff then engaged in outreach at several regional and national meetings with affected Tribes and, on July 26, 2019, issued a proposal to apply the data collection requirements going forward to any new proposed road submission, but not to proposed roads that were already in the NTTFI as of the date of publication of the regulations on November 7, 2016, unless any changes or updates were or are made after that date. *See* 84 FR 36040. BIA then hosted three Tribal consultation sessions: September 5, 2019, in Minneapolis; September 10, 2019, in Anchorage, Alaska; and September 12, 2019, in Denver, Colorado.

I. Comments and Responses on the Proposed Rule

BIA received 14 written comment submissions on the proposed rule. Approximately half supported the rule and half opposed. One participants in the Denver consultation opposed the proposed rule, while some participants at the remaining consultations expressed support and others expressed opposition to the rule.

A. Comments in Support of the Proposed Rule

Several commenters, including Alaska Native Tribes and Tribal entities, were supported the rule. Among the reasons stated for support of the rule were:

- The rule will reduce Tribal expenses by not requiring the submission of data to maintain roads on the inventory.
- The rule is fairer, by removing the burden for those affected to go back and enter data for proposed roads that were added to the inventory when such requirements were not present.
- The rule eliminates a provision that was incompatible with the statutory requirement for the Secretary to maintain a national inventory that is comprehensive.
- The proposed roads must remain on the inventory, by law, because the statutory requirements for inclusion on the inventory have not changed since 2005.
- Removing the proposed roads from the inventory would waste the extensive

investments that Tribes have already made in transportation planning and public engagement regarding these roads.

- Removal of proposed roads from the inventory would undermine the effort and expense in carrying out the FHWA-approved transportation planning processes, and have immediate effects in that certain Alaska Native Tribes could no longer work on critical access routes, or carry out route-staking that improves approximately 1,100 miles of winter trails to prevent injury and death for traveling between villages.
- Tribes do not have the resources to supplement existing data for all their proposed roads at once to maintain them on the inventory.

B. Comments Opposed to the Proposed Rule

Representatives of several large, land-based Tribes and one Alaska Native corporation strongly opposed the proposed rule. The primary basis for opposing the rule was a concern that many of the proposed roads on the NTTFI that were submitted without data are essentially ''ghost roads'' that will never be built because they are not financially feasible or cannot legally be built (*e.g.,* a proposed road crossing miles of ocean or within a National Wildlife Refuge) and were added for the sole purpose of increasing Tribal funding shares. These representatives stated that, by allowing these ''ghost roads'' to remain on the inventory, the rule would:

- Divert funding from existing roads in the NTTFI that are in need of repair and other proposed roads in the NTTFI that will actually be built.
- Exacerbate the current situation where the majority of funding is going to support non-reservation roads (State, county, and city roads comprise approximately 65% to 70% of the roads in the NTTFI) while there is a serious backlog of deferred maintenance at existing reservation roads.
- Continue to impose a discriminatory two-tier class system on Tribes in Alaska, where approximately 20% of Alaska Tribes, clustered in three Alaska Native regions, receive approximately 80% of the TTP funding made available in Alaska.
- Perpetuate the current disproportionate funding distribution, which according to a commenter, Congress has frozen until NTTFI data is ''fixed.''
- Conflict with statutory requirements at 23 U.S.C. 134 and 135 that the proposed projects must be fiscally constrained because there would be no funding to build the majority of proposed roads that are currently in the NTTFI within a reasonable period.
- Reward those who disregarded Federal standards and BIA guidance regarding what data should be provided while punishing those that operated within the constraints for 20- and 30-year long-range planning requirements.

C. Other Comments

One comment supported the rule overall but objected to enforcing the requirement for additional data when changes or updates to the inventoried roads occur, because updates should not trigger data collection in order to keep the road on the inventory.

D. Response to Comments

BIA has determined, after consideration of all the input received during this rulemaking process, that removal of the requirement for data collection, as proposed, would be the most fair and de-regulatory course of action. Because the funding formula is prescribed by statute, and as established in 23 U.S.C. 202(b) uses data from the 2004 and 2012 inventory, there are currently no funding implications to maintaining these roads on the inventory. It is possible that Congress will change the formula or establish an entirely new formula at some point. To remove the proposed roads from the NTTFI in the meantime would unfairly disadvantage those who added proposed roads to the inventory under the data collection requirements at the time. BIA also determined that it is appropriate to continue to require the data to change or update inventoried proposed roads because the changes or updates will meet the intent of the original provision in the regulation in managing data increases in the inventory. The Department declines to speculate on whether or how Congress will change the formula and at what date—historical or future—Congress will choose for an inventory snapshot for use in the formula.

II. Procedural Requirements

A. Regulatory Planning and Review (E.O. 12866)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The E.O. directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

B. E.O. 13771: Reducing Regulation and Controlling Regulatory Costs

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

C. Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It does not change current funding requirements and would not impose any economic effects on small governmental entities.

D. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Will not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the U.S.-based enterprises to compete with foreign-based enterprises.

E. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

F. Takings (E.O. 12630)

This rule does not effect a taking of private property or otherwise have taking implications under E.O. 12630. A takings implication assessment is not required.

G. Federalism (E.O. 13132)

Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. A federalism summary impact statement is not required.

H. Civil Justice Reform (E.O. 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule: (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and (b) meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

I. Consultation With Indian Tribes (E.O. 13175)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in E.O. 13175 and have consulted with Tribes, as described above.

J. Paperwork Reduction Act

OMB Control No. 1076–0161 currently authorizes the collections of information contained in 25 CFR part 170, with an expiration of March 31, 2020. The current authorization totaling an estimated 23,448 annual burden hours. This rule will decrease the annual burden hours by an estimated 2,520 hours. This decrease is due to the elimination of the requirement for Tribes to provide information on proposed roads that are already included on the inventory. This change would require a revision to an approved information collection under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* for which the Department is requesting OMB approval.

OMB Control Number: 1076–0161.

Title: Tribal Transportation Program, 25 CFR 170.

Brief Description of Collection: The information submitted by Tribes allows them to participate in planning the development of transportation needs in their area; the information provides data for administration, documenting plans, and for oversight of the program by the Department. Some of the information such as the providing inventory updates (25 CFR 170.444), the development of a long-range transportation plan (25 CFR 170.411 and 170. 412), the development of a Tribal transportation improvement program (25 CFR 170.421), and annual report (25 CFR 170.420) are mandatory to determine how funds will allocated to implement the Tribal Transportation Program. Some of the information, such as public hearing requirements, is necessary for public notification and involvement (25 CFR 170.437 and 170.438), while other information, such as a request for exception from design standards (25 CFR 170.456), is voluntary. The revision accounts for updates made to § 170.443, removing the requirement to provide information for proposed roads that existed in the inventory as of November 7, 2016. Comments on the removal of the requirement are addressed in the preamble, above.

Type of Review: Revision of a currently approved collection.

Respondents: Federally recognized Indian Tribes.

Number of Respondents: 281 on average (each year).

Number of Responses: 1,504 on average (each year).

Frequency of Response: On occasion.

Estimated Time per Response: Varies from 0.5 hours to 40 hours.

Estimated Total Annual Hour Burden: 20,928 hours.

The recordkeeping requirements contained in section 170.472 are authorized under OMB Control No. 1076–0136, applicable to self-determination and self-governance contracts and compacts under 25 CFR 900 and 1000.

Please note that an agency may not sponsor or request, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

K. National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because this is an administrative and procedural regulation. (For further information see 43 CFR 46.210(i)). We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

L. Effects on the Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in E.O. 13211. A Statement of Energy Effects is not required.

M. Determination To Issue an Final Rule With Immediate Effective Date

We are publishing this final rule with an immediate effective date, as allowed under 5 U.S.C. 553(d)(3). Good cause for an immediate effective date exists because the delay in publishing this rule would cause confusion, as the current regulation being replaced would otherwise go into effect on March 6, 2020.

List of Subjects in 25 CFR Part 170

Highways and roads, Indians-lands.

For the reasons stated in the preamble, the Department of the Interior, Bureau of Indian Affairs, amends 25 CFR part 170 as follows:

PART 170—TRIBAL TRANSPORATION PROGRAM

■ 1. The authority citation for part 170 continues to read as follows:

Authority: Pub. L. 112–141, Pub. L. 114–94; 5 U.S.C. 2; 23 U.S.C. 201, 202; 25 U.S.C. 2, 9. Authority: Pub. L. 112–141, Pub. L. 114–94; 5 U.S.C. 2; 23 U.S.C. 201, 202; 25 U.S.C. 2, 9.

■ 2. In § 170.443, revise paragraph (b) to read as follows:

§ 170.443 What is required to successfully include a proposed transportation facility in the NTTFI?

* * * * *

(b) For those proposed roads that were included in the NTTFI as of November 7, 2016, the information in paragraphs (a)(1) through (8) of this section may be submitted for approval to BIA and FHWA at any time, but is not required in order for those proposed roads to remain in the NTTFI, unless any changes or updates to the proposed road were (or are) made after that date.

Dated: February 24, 2020.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–06061 Filed 3–27–20; 8:45 am]

BILLING CODE 4337–15–P

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

RIN 3142—AA12

Representation Case Procedures

AGENCY: National Labor Relations Board.

ACTION: Final rule; delay of effective date.

SUMMARY: On December 18, 2019, the National Labor Relations Board (Board) published a final rule amending its representation case procedures. The Board hereby amends that rule to change the effective date from April 16, 2020, to May 31, 2020. The purpose of this amendment is to facilitate the resolution of the legal challenges with respect to the rule.

DATES: The effective date of the final rule published at 84 FR 69524, December 18, 2019, is delayed from April 16, 2020, to May 31, 2020.

FOR FURTHER INFORMATION CONTACT: Roxanne L. Rothschild, Executive Secretary, National Labor Relations Board, 1015 Half St. SE, Washington, DC 20570–0001, (202) 273–1940 (this is not a toll-free number), 1–866–315–6572 (TTY/TDD).

SUPPLEMENTARY INFORMATION: On December 18, 2019, the National Labor Relations Board published a final rule modifying various aspects of its representation case procedures to permit parties additional time to comply with various pre-election requirements instituted in 2015, to clarify and reinstate some procedures that better ensure the opportunity for litigation and resolution of unit scope and voter eligibility issues prior to an election, and to make several other changes the Board deems to be appropriate policy choices that better balance the interest in the expeditious processing of questions of representation with the efficient, fair, and accurate resolution of questions of representation.

On March 18, 2020, the U.S. District Court for the District of Columbia requested that the Board consider postponing the effective date of the rule in connection with a pending proceeding concerning the rule. The Board has determined that postponing the effective date of the rule would facilitate the resolution of the legal challenges that have been filed with respect to the rule. Accordingly, the Board has decided to change the effective date of the rule from April 16, 2020, to May 31, 2020.

Dated: March 23, 2020.

Roxanne L. Rothschild,

Executive Secretary.

[FR Doc. 2020–06365 Filed 3–27–20; 8:45 am]

BILLING CODE 7545–01–P

DEPARTMENT OF LABOR

Office of Labor-Management Standards

29 CFR Part 403

RIN 1245–AA09

Labor Organization Annual Financial Reports for Trusts in Which a Labor Organization Is Interested, Form T–1; Correction

AGENCY: Office of Labor-Management Standards, Department of Labor.

ACTION: Final rule; correction.

SUMMARY: The Department of Labor, Office of Labor-Management Standards is correcting a final rule that appeared in the **Federal Register** of March 6, 2020. That document revised the forms required by labor organizations under the Labor-Management Reporting and Disclosure Act (''LMRDA'' or ''Act''). Under the rule, specified labor organizations file annual reports (Form T–1 Trust Annual Report) concerning trusts in which they are interested. The Form T–1 Instructions published with the final rule, however, provided inaccurate examples concerning the applicability dates of the final rule. This document corrects those omissions.

DATES: Effective April 6, 2020.

FOR FURTHER INFORMATION CONTACT: Andrew Davis, Chief of the Division of Interpretations and Standards, Office of Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–5609, Washington, DC 20210, (202) 693–0123 (this is not a toll-free number), (800) 877–8339 (TTY/TDD), *OLMS-Public@dol.gov.*

SUPPLEMENTARY INFORMATION:

Background

The final rule that is the subject of this correction appeared in the **Federal Register** of March 6, 2020 (85 FR 13414); the final rule revised the forms required by labor organizations under the Labor-Management Reporting and Disclosure Act (''LMRDA'' or ''Act''), 29 U.S.C. 431(b). Under the rule, specified labor organizations file annual reports (Form T–1 Trust Annual Report) concerning trusts in which they are interested. The final rule also sets forth the Department's review of and response to comments on the proposed rule. Under this rule, the Department required a labor organization with total annual receipts of $250,000 or more (and, which therefore is obligated to file a Form LM–2 Labor Organization Annual Report) to also file a Form T–1, under certain circumstances, for each trust of the type defined by section 3(l) of the LMRDA, 29 U.S.C. 402(l) (defining ''trust in which a labor organization is interested''). The rule provided appropriate instructions and revised relevant sections relating to such reports. The Form T–1 Instructions, however, provided inaccurate examples of the rule's applicability dates. See Form T–1 Instructions, Part II (When to File) at 85 FR 13451. The second through fourth examples indicated, incorrectly, that the first Form T–1 reports, in the examples, were due later than the operative language indicated they would in Part II of the Form T–1 Instructions. This correction remedies this error by inserting the appropriate dates to the examples, thereby ensuring consistency with the operative language in the instructions.

Need for Correction

As published, the final rule contained errors within the Form T–1 Instructions, at 85 FR 13451 (col. 2), which illustrates the prospective effect of the final rule.

Appendix [Corrected]

In FR Doc. 2020–03958, in the **Federal Register** of Friday, March 6, 2020, correct page 13451 to read as follows:

BILLING CODE 4510–86–P

trust; a statement of trust receipts and disbursements aggregated by general sources and applications, which must include the names of the parties with which the trust engaged in $10,000 or more of commerce and the total of the transactions with each party.

Form T-1 must be filed with the Office of Labor-Management Standards (OLMS) of the U.S. Department of Labor (Department). The labor organization must file a separate Form T-1 for each trust that meets the above requirements.

The LMRDA, CSRA, and FSA cover labor organizations that represent employees who work in private industry, employees of the U.S. Postal Service, and most Federal government employees. Questions about whether a labor organization is required to file should be referred to the nearest OLMS field office listed at the end of these instructions.

II. When to File

The Form T-1 requirements apply to a labor organization whose fiscal year *and* the fiscal year of its section 3(l) trust begin on or after July 1, 2020. Form T-1 must be filed within 90 days of the end of the labor organization's fiscal year. The Form T-1 shall cover the trust's most recently completed fiscal year ending on or before 90 days before the union's fiscal year. The penalties for delinquency are described in Section V (Officer Responsibilities and Penalties) of these instructions. Examples of filing dates for the Form T-1 follow:

Where the trust and labor organization have the same fiscal years

- The trust and labor organization have fiscal years ending on December 31. The Form T-1 for the fiscal year ending December 31, 2021 must be filed not later than March 31, 2023.
- The trust and the labor organization each has a fiscal year that ends on June 30. The labor organization's first Form T-1 will be for the trust's fiscal year ending June 30, 2021 and must be filed not later than September 28, 2022.

Where the trust and labor organization have different fiscal years

- The trust's fiscal year ends on June 30. The labor organization's fiscal year ends on September 30. Its first Form T-1 for this trust will be for the trust's fiscal year ending June 30, 2021 and must be filed not later than December 29, 2021.
- The trust's fiscal year ends on June 30. The labor organization's fiscal year ends on December 31. Its first Form T-1 for this trust will be for the trust's fiscal year ending June 30, 2021 and must be filed not later than March 31, 2022.

If a trust for which a labor organization was required to file a Form T-1 goes out of existence, a terminal financial report must be filed within 30 days after the date it ceased to exist. Similarly, if a trust for which a labor organization was required to file a Form T-1 continues to exist, but the labor organization's interest in that trust ceases, a terminal financial report must be filed within 30 days after the date that the labor organization's interest in the trust ceased. *See* Section IX (Trusts That Have Ceased to Exist) of these instructions for information on filing a terminal financial report.

III. How to File

Form T-1 must be submitted electronically to the Department via the OLMS Electronic Forms System (EFS) available on the OLMS website at: http://www.dol.gov/olms. Form T-1 filers will be able to file reports in paper format

Signed in Washington, DC.

Arthur F. Rosenfeld,

Director, Office of Labor-Management Standards.

[FR Doc. 2020–06079 Filed 3–27–20; 8:45 am]

BILLING CODE 4510–86–C

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No.: PTO–P–2020–0018]

Waiver of Original Handwritten Signature Requirement Due to the COVID–19 Outbreak

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Waiver of regulations.

SUMMARY: The United States Patent and Trademark Office (USPTO or Office) considers the effects of the COVID–19 outbreak to be an extraordinary situation. Therefore, pursuant to the Office's authority, the USPTO is waiving its only regulatory requirements for an original handwritten signature personally signed in permanent dark ink or its equivalent for certain correspondence with the Office of Enrollment and Discipline and certain payments by credit card. In both instances, the Office will accept copies of handwritten signatures. The USPTO has no other requirements for original handwritten, ink signatures.

DATES: March 30, 2020.

FOR FURTHER INFORMATION CONTACT: For information concerning correspondence with the Office of Enrollment and Discipline: William Covey, Office of Enrollment and Discipline, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at (571) 272–4097 or by email at *William.Covey@uspto.gov.* For information concerning payments by credit cards: Matthew Lee, Office of Finance, United States Patent and Trademark Office, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; by telephone at (571) 272–6343 or by email at *Matthew.Lee@uspto.gov.*

SUPPLEMENTARY INFORMATION: The USPTO considers the effects of the COVID–19 outbreak to be an ''extraordinary situation'' within the meaning of 37 CFR 1.183 and 37 CFR 2.146(a)(5) for affected persons doing business before the Office. Accordingly, the USPTO is *sua sponte* waiving the requirements of 37 CFR 1.4(e)(1) and (2) for an original handwritten signature personally signed in permanent dark ink or its equivalent for correspondence requiring a person's signature and relating to (1) registration to practice before the USPTO in patent cases, enrollment and disciplinary investigations, or disciplinary proceedings; and (2) payments by credit cards where the payment is not being made via the Office's electronic filing systems. The Office notes that the requirements of 37 CFR 1.4(e)(1) and (2) are the only USPTO requirements for original handwritten, ink signatures, and the USPTO has no other requirements for original handwritten, ink signatures. The USPTO's requirements concerning signature methods are set forth in 37 CFR 1.4 and 37 CFR 2.193.

In light of the waiver of the requirements of 37 CFR 1.4(e)(1), the Office of Enrollment and Discipline will accept the signature methods described in 37 CFR 1.4(d). In light of the waiver of the requirements of 37 CFR 1.4(e)(2), the Office of Finance will accept the signature methods described in 37 CFR 1.4(d). Persons providing such submissions to the Office are reminded that, pursuant to 37 CFR 1.4(d)(4), such submissions constitute a certification under 37 CFR 11.18(b) and that violations of 37 CFR 11.18(b) may be subject to disciplinary action pursuant to 37 CFR 11.18(d). And, in circumstances where deemed appropriate, the Office of Enrollment and Discipline and the Office of Finance may request that signatures be ratified/confirmed pursuant to 37 CFR 1.4(h).

The USPTO already permits persons to provide true copies of handwritten signatures or electronic signatures that meet the requirements of 37 CFR 2.193(c) on each piece of Trademark correspondence that requires a signature. 37 CFR 2.193(a). Likewise, the USPTO already permits persons to provide a direct or indirect copy of an original handwritten signature (37 CFR 1.4(d)(1)(ii)) or S-signatures that meet the requirements of 37 CFR 1.4(d)(2) on each piece of Patent correspondence that requires a signature. 37 CFR 1.4(d)(1). This waiver is effective until further notice is provided by the Office. Such notice may take place by publication of a document in the **Federal Register** and the USPTO's website.

Andrei Iancu,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2020–06186 Filed 3–27–20; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2018–0786; FRL–10006–43–Region 6]

Air Plan Approval; Oklahoma; Infrastructure for the 2015 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving elements of a State Implementation Plan (SIP) submission from the State of Oklahoma for the 2015 Ozone (O_3) National Ambient Air Quality Standard (NAAQS). Oklahoma's October 25, 2018, submittal addressed how the existing SIP provides for implementation, maintenance, and enforcement of the 2015 O_3 NAAQS (infrastructure SIP or i-SIP). The i-SIP ensures that the Oklahoma SIP is adequate to meet the state's responsibilities under the CAA for this NAAQS.

DATES: This rule is effective on April 29, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2018–0786. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *https://www.regulations.gov* or in hard copy at the EPA Region 6 Office, 1201 Elm Street, Suite 500, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: Robert M. Todd, EPA Region 6 Office, Infrastructure & Ozone Section, 1201 Elm Street, Suite 500, Dallas, TX 75270, 214–665–2156, *todd.robert@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Mr. Todd or Mr. Bill Deese at 214–665–7253.

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

I. Background

The background for this action is discussed in detail in our January 2, 2020 proposal (85 FR 54). In that document we proposed to approve the Oklahoma SIP for compliance with CAA sections 110(a)(1) and 110(a)(2)(A) through (C), 110(a)(2)(E) through (H) and 110(a)(2)(J) through (M). We also proposed approving the Oklahoma SIP for compliance with CAA sections 110(a)(2)(D)(i)(II), Interference with Prevention of Significant Deterioration and 110(a)(2)(D)(ii), Interstate Pollution Abatement (which refers to CAA section 126) and International Air Pollution (which refers to CAA section 115). We are not acting on the remaining portions of the October 25, 2018, submittal addressing CAA section 110(a)(2)(D)(i)(I), and 110(a)(2)(D)(i)(II), which will be addressed in a subsequent action. We did not receive any comments regarding our proposal.

II. Final Action

We are approving Oklahoma's October 28, 2018, Infrastructure SIP submission for the 2015 Ozone NAAQS as it applies to CAA sections 110(a)(1) and 110(a)(2)(A) through (C), 110(a)(2)(D)(i)(II) (the Prevention of Significant Deterioration portion), 110(a)(2)(D)(ii), 110(a)(2)(E) through (H) and 110(a)(2)(J) through (M). The submission addressed how Oklahoma's existing SIP provides for implementation, maintenance, and enforcement of the 2015 Ozone NAAQS.

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the 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 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, 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 29, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone.

Dated: March 19, 2020.

Kenley McQueen,

Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart LL—Oklahoma

■ 2. In § 52.1920 (e), the table titled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Oklahoma SIP'' is amended by adding an entry for ''Infrastructure for the 2015 Ozone NAAQS'' at the end of the table.

The amendment reads as follows:

§ 52.1920 Identification of plan.

* * * * *

(e) * * *

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE OKLAHOMA SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Comments
*	*	*	* *	* *
Infrastructure for the 2015 Ozone NAAQS.	Statewide	October 25, 2018 ..	3/30/2020, [Insert **Federal Register** citation].	Does not address 110(a)(2)(D)(i)(I). No action on 110(a)(2)(D) (i)(II) (visibility portion).

[FR Doc. 2020–06159 Filed 3–27–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1516 and 1552

[EPA–HQ–OARM–2018–0610; FRL–10006–81–OMS]

Environmental Protection Agency Acquisition Regulation (EPAAR); Award Term Incentive

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is issuing a final rule to amend EPA Acquisition Regulation (EPAAR) award term incentive policy, procedures, and clauses to remove ambiguity and provide clarity with respect to what is required for a contractor to successfully earn award terms.

DATES: This final rule is effective on March 30, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OARM–2018–0610. All documents in the docket are listed on the *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Shakethia Allen, Policy, Training, and Oversight Division, Acquisition Policy and Training Branch (3802R), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–5157; email address: *allen.shakethia@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Award terms are a form of incentive contract, offering additional periods of performance without a new competition, rather than additional profit or fee as a reward for achieving prescribed performance measures. Award term incentives were developed in 1997 by the Department of the Air Force and are not described in the Federal Acquisition Regulation (FAR). In order to assist EPA contracting officers seeking to use award term incentives, it is necessary to amend the EPAAR to provide clear language of the requirements needed to successfully award and earn award terms.

The proposed rule was published in the **Federal Register** (84 FR 11920) on March 29, 2019, providing for a 60-day comment period. Interested parties were afforded the opportunity to participate in the making of this rule. There was one comment received during the 60-day period, but it is was unrelated to the subject procurement.

II. Final Rule

The final rule amends EPAAR Part 1516—*Types of Contracts,* Subpart 1516.4—*Incentive Contracts,* 1516.406 *Contract Clauses,* 1516.401–70 *Award Term Incentives,* and 1516.401–270 *Definition.* The final rule also amends EPAAR Part 1552—*Solicitation Provisions and Contract Clauses,* 1552.216–78 —*Award Term Incentive Plan.*

1. EPAAR 1516.406 establishes the prescription for use of related EPAAR clauses, including 1552.216–77, *Award Term Incentive,* 1552.216–78, *Award Term Incentive Plan,* and 1552.216–79, *Award Term Availability of Funds,* in solicitations and contracts when award term incentives are contemplated.

2. EPAAR 1516.401–270 defines *Acceptable Quality Level* (AQL) as the minimum percent of deliverables which are compliant with a given performance standard that would permit a contractor to become eligible for an award term incentive.

3. EPAAR 1516.401–70 sets forth the overall framework governing award term incentives including the prescribed performance measures; *i.e.,* the acceptable quality levels (AQL) which must be achieved by a contractor to become eligible for an award term.

4. EPAAR 1552.216–78 sets forth the performance criteria and evaluation periods which will serve as the basis for the EPA's decision on whether the contractor is eligible for an award term incentive.

III. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a ''significant regulatory action'' under the terms of Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under the E.O.

B. Paperwork Reduction Act

This action does not impose an information collection burden, as defined at 5 CFR 1320.3(b), under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

C. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et. seq.

The Regulatory Flexibility Act generally requires an agency 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 impact of this final rule on small entities, ''small entity'' is defined as: (1) A small business that meets the definition of a small business found in the Small Business Act and codified 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; or (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. After considering the economic impacts of this rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. Award term incentives will be available equally to large and small entities, so this rule will not have a significant economic impact on small entities. Also, this rule seeks to only clarify existing regulations. We continue to be interested in the potential impacts of the rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA, Pub. L. 104–4), establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, Local, and Tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of the Title II of the UMRA) for State, Local, and Tribal governments or the private sector. The rule imposes no enforceable duty on any State, Local or Tribal governments or the private sector. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and Local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government as specified in Executive Order 13132.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This rule does not have tribal implications as specified in Executive Order 13175.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045, entitled ''Protection of Children from Environmental Health and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be economically significant as defined under E.O. 12886, and (2) concerns an environmental health or safety risk that may have a proportionate effect on children. This rule is not subject to E.O. 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because it does not involve decisions on environment health or safety risks.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use'' (66 FR 28335 (May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act of 1995 (NTTAA)

Section 12(d) (15 U.S.C. 272 note) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, directs 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 standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629 (February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. EPA has 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 in the general public.

K. Congressional Review Act

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 major 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. Section 804(2) defines a ''major rule'' as any rule that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in (1) an annual effect on the economy of $100,000,000 or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. EPA is not required to submit a rule report regarding this action under section 801 as this is not a major rule by definition.

List of Subjects in 48 CFR Parts 1516 and 1552

Environmental Protection, Government procurement, Reporting and recordkeeping requirements.

Dated: February 24, 2020.

Kimberly Y. Patrick,

Director, Office of Acquisition Solutions.

Therefore, 48 CFR parts 1516 and 1552 are amended as set forth below:

PART 1516—TYPES OF CONTRACTS

■ 1. The authority citation for part 1516 continues to read as follows:

Authority: The provisions of this regulation are issued under 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); and 41 U.S.C. 418b.

■ 2. Revise 1516.401–270 to read as follows:

1516.401–270 Definition.

Acceptable quality level (AQL) as used in this subpart means the minimum percent of deliverables which are compliant with a given performance standard that would permit a contractor to become eligible for an award term incentive. The performance necessary for eligibility for the award term incentive must be in excess of that necessary for the Government acceptance of contract deliverables. The AQLs associated with the award term incentive shall exceed the AQLs associated with the acceptance of contract deliverables. For example, under contract X, acceptable performance is 75 percent of reports submitted to the Government within five days. However, to be eligible for an award term incentive, 85 percent of reports must be submitted to the Government within five days.

■ 3. In 1516.401–70, revise paragraph (b) to read as follows:

1516.401–70 Award term incentive.

* * * * *

(b) Award term incentives are designed to motivate contractors to provide superior performance. Superior performance must be defined in the Award Term Incentive Plan. Accordingly, the prescribed performance measures, *i.e.,* acceptable quality levels (AQL), which must be achieved by a contractor to become eligible for an award term will be in excess of the AQLs necessary for Government acceptance of contract deliverables, unless rationale is documented that such service is beyond the contractor's capability or control.

* * * * *

■ 4. In 1516.406, revise paragraphs (c) and (d) to read as follows:

1516.406 Contract clauses.

* * * * *

(c) The Contracting Officer shall insert the clauses at 1552.216–77, Award Term Incentive, 1552.216–78, Award Term Incentive Plan, and 1552.216–79, Award Term Availability of Funds, in solicitations and contracts when award term incentives are contemplated. The clauses at 1552.216–77 and 1552.216–78 may be used on substantially the same-as basis.

(d) If the Contracting Officer wishes to use the ratings set forth in the Department of Defense Contractor Performance Assessment Reporting System on the contract at hand as the basis for contractor eligibility for an award term incentive, the Contracting Officer shall insert the clause at 1552.216–78.

PART 1552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. The authority citation for part 1552 continues to read as follows:

Authority: 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); and 41 U.S.C. 418b.

■ 6. In 1552.216–78, revise paragraph (e) to read as follows:

1552.216–78 Award term incentive plan.

* * * * *

(e) [If the contract will contain a quality assurance surveillance plan (QASP), reference the QASP, *e.g.,* attachment 2. Typically, the performance standards and AQLs will be defined in the QASP]

(End of clause)

* * * * *

[FR Doc. 2020–05962 Filed 3–27–20; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 85, No. 61
Monday, March 30, 2020

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0209; Product Identifier 2020–NM–004–AD]

RIN 2120–AA64

Airworthiness Directives; Kidde Aerospace & Defense

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for Kidde Aerospace & Defense cargo fire extinguisher halon bottles installed on various transport category airplanes. This proposed AD was prompted by a report indicating that certain cargo fire extinguisher halon bottles installed in the cargo compartment had low charge pressure. This proposed AD would require an inspection to determine the part number and serial number of the cargo fire extinguisher halon bottles and replacement of affected parts with serviceable parts. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 14, 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 Boeing service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* For Kidde Aerospace & Defense service information identified in this NPRM contact Kidde Aerospace & Defense, 4200 Airport Drive NW, Building B, Wilson, NC 27896–8630; telephone 319–295–5000; *http://www.Kiddetechnologies.com/aviation.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0209; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Samuel Belete, Aerospace Engineer, Systems and Equipment Section, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, GA 30337; phone: 404–474–5580; fax: 404–474–5606; email: *Samuel.Belete@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0209; Product Identifier 2020–NM–004–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

The FAA has received a report indicating that certain cargo fire extinguisher halon bottles installed in the cargo compartment had low charge pressure. An investigation revealed that a procedural change at the manufacturer of the cargo fire extinguisher halon bottles resulted in cargo fire extinguisher halon bottles being produced with lower than required pressure. Indication of the low bottle pressure may not occur until the bottles have been agitated from in-service use and a warning is displayed in the flight deck. Low charge pressure of a cargo fire extinguisher halon bottle installed in the cargo compartment, if not addressed, could result in insufficient halon concentrations to extinguish a fire in the cargo compartment.

Related Service Information Under 1 CFR Part 51

The FAA reviewed the following Boeing Alert Requirements Bulletins. This service information describes procedures for an inspection to determine the serial number of the cargo fire extinguisher halon bottle having a certain part number and replacing affected parts with serviceable parts. These documents are distinct since they apply to different airplane models.

• Alert Requirements Bulletin 737–26A1150 RB, dated September 27, 2019.

• Alert Requirements Bulletin 737–26A1151 RB, dated September 27, 2019.

The FAA reviewed the following Kidde Aerospace & Defense service information. This service information describes, among other actions, procedures for replacing affected fire extinguishers (referred to as ''cargo fire extinguisher halon bottles'' in this proposed AD) with serviceable parts. These documents are distinct since they apply to different airplane models.

• Service Bulletin 473919–26–521, Rev 02, dated November 7, 2019.

• Service Bulletin 473957–26–518, Rev 02, dated November 4, 2019.

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

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.'' For information on the procedures, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0209.

Differences Between This Proposed AD and the Service Information

The Kidde Aerospace & Defense service information specifies a compliance time of 12 months to accomplish the replacement. The Boeing service information specifies a compliance time of 24 months to accomplish the replacement. In developing an appropriate compliance time for this action, we considered the urgency associated with the subject unsafe condition, the availability of required parts, and the practical aspect of accomplishing the required replacement within a period of time that corresponds to the normal scheduled maintenance for most affected operators. In light of these items, we have determined that a 24-month compliance time is appropriate.

Costs of Compliance

We estimate that this proposed AD affects 3,308 appliances installed on, but not limited to, the transport category airplanes identified in paragraphs (c)(2)(i) through (vii) of this AD. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	2 work-hour × $85 per hour = $170	$0	$170	$562,360

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	4 work-hours × $85 per hour = $340	$25,305	$25,645

According to the cargo fire extinguisher halon bottles manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all known costs in our cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Transport Category Airplanes: Docket No. FAA–2020–0209; Product Identifier 2020–NM–004–AD.

(a) Comments Due Date

We must receive comments by May 14, 2020.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to the Kidde Aerospace & Defense cargo fire extinguisher halon bottles having part numbers and serial numbers identified in Table 1 of the service

information identified in paragraphs (c)(1)(i) and (ii) of this AD.

(i) Kidde Aerospace & Defense Service Bulletin 473957–26–518, Rev 02, dated November 4, 2019

(ii) Kidde Aerospace & Defense Service Bulletin 473919–26–521, Rev 02, dated November 7, 2019.

(2) These affected cargo fire extinguisher halon bottles are installed on various transport category airplanes including, but not limited to, the airplanes identified in paragraphs (c)(2)(i) through (vii) of this AD, certificated in any category.

(i) Airbus Canada Limited Partnership (type certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes.

(ii) Airbus SAS Model A330–200 and A330–300 series airplanes.

(iii) The Boeing Company Model DC–9–81 (MD–81) airplanes, and Model 737 series airplanes.

(iv) Bombardier, Inc., Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, Model CL–600–2C10 (Regional Jet Series 700, 701 & 702) airplanes, and Model CL–600–2C11 (Regional Jet Series 550) airplanes.

(v) De Havilland Aircraft of Canada Limited (type certificate previously held by Bombardier, Inc.) Model DHC–8–400 series airplanes.

(vi) Embraer S.A. Model ERJ 170–100 STD airplanes, and Model ERJ 190–100 STD, –300, and –400 airplanes.

(vii) Saab AB, Saab Aeronautics (formerly known as Saab AB, Saab Aeronautics) Model SAAB 2000 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire protection.

(e) Unsafe Condition

This AD was prompted by a report indicating that certain cargo fire extinguisher halon bottles had low charge pressure. Low charge pressure of a cargo fire extinguisher halon bottle installed in the cargo compartment, if not addressed, could result in insufficient halon concentrations to extinguish a fire in the cargo compartment.

(f) Compliance

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

(g) Definitions

For this AD, the definitions specified in paragraphs (g)(1) through (3) of this AD apply.

(1) Group 1: Boeing Model 737–8 and 737–9 airplanes, and Model 737–700, 737–800, and 737–900ER series airplanes.

(2) Group 2: Transport category airplanes other than those identified as group 1.

(3) Affected part: A cargo fire extinguisher halon bottle, manufactured by Kidde Aerospace & Defense, having a part number and serial number that is identified in the service information identified in paragraphs (c)(1)(i) and (ii) of this AD.

Note 1 to paragraph (g)(3): The terms ''cargo fire extinguisher halon bottles'' and ''fire extinguishers'' are used interchangeably in this AD and the service information identified in paragraphs (c)(1)(i) and (ii) of this AD and in paragraphs (i)(1)(i) and (ii) of this AD.

(h) Inspection

Within 24 months after the effective date of this AD, do an inspection to determine the part number and serial number of the cargo fire extinguisher halon bottles installed in the cargo compartment. A review of maintenance records can be done in lieu of the inspection provided the part number and serial number of the cargo fire extinguisher halon bottles can be conclusively determined from that review.

(i) Replacement

If, during the inspection or records review required by paragraph (h) of this AD, it is determined that an affected part, as identified in paragraph (g)(3) of this AD, is installed, before further flight, replace the part with a serviceable part in accordance with the applicable service information identified in paragraph (i)(1) and (i)(2) of this AD.

(1) For group 1 airplanes as identified in paragraph (g)(1) of this AD: The Accomplishment Instructions of the service information identified in paragraph (c)(1)(i) of this AD, or the service information identified in paragraph (i)(1)(i) or (ii) of this AD, as applicable.

(i) Boeing Alert Requirements Bulletin 737–26A1150 RB, dated September 27, 2019.

(ii) Boeing Alert Requirements Bulletin 737–26A1151 RB, dated September 27, 2019.

(2) For group 2 airplanes as identified in paragraph (g)(2) of this AD: The Accomplishment Instructions of the service information identified in paragraph (c)(1)(i) or (ii) of this AD, as applicable.

(j) Parts Installation Limitation

As of the effective date of this AD, no person may install on any airplane an affected part as identified in paragraph (g)(3) of this AD unless that part has a circled letter ''G'' stamped at a distance of approximately one inch from the left edge of the placard, indicating that the cargo fire extinguisher halon bottle has been tested and refilled.

(k) Special Flight Permit

If low pressure is detected or a warning is displayed in the flight deck, special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the airplane to a location where the cargo fire extinguisher halon bottles can be replaced or modified.

(l) 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 (m)(1) 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.

(3) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (l)(3)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled 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 RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(m) Related Information

(1) For more information about this AD, contact Samuel Belete, Aerospace Engineer, Systems and Equipment Section, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, GA 30337; phone: 404–474–5580; fax: 404–474–5606; email: *Samuel.Belete@faa.gov.*

(2) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* For Kidde Aerospace & Defense service information identified in this AD, contact Kidde Aerospace & Defense, 4200 Airport Drive NW, Building B, Wilson, NC 27896–8630; telephone 319–295–5000; *http://www.Kiddetechnologies.com/aviation.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on March 23, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–06502 Filed 3–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0518; Product Identifier 2019–NM–062–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing a notice of proposed rulemaking (NPRM) that proposed to adopt a new airworthiness directive (AD) that would have applied to certain The Boeing Company Model 787–8 and 787–9 airplanes. The NPRM was prompted by a report that a passenger entry door assist handle became detached during use. The NPRM would have required a detailed inspection of all passenger and service entry door assist handles for correct installation and applicable on-condition actions. Since issuance of the NPRM, we determined that the service information is ineffective in addressing the unsafe condition and must be revised. Accordingly, the NPRM is withdrawn.

DATES: The FAA is withdrawing the proposed rule published July 15, 2019 (84 FR 33710), as of March 30, 2020.

ADDRESSES:

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–2019–0518; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD action, the regulatory evaluation, any comments received, and other information. The street 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: Brandon Lucero, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3569; email: *brandon.lucero@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD that would apply to the specified products. The NPRM was published in the **Federal Register** on July 15, 2019 (84 FR 33710). The NPRM was prompted by a report that a passenger entry door assist handle became detached during use. An investigation found that incorrect installation of the door assist handle is possible due to the handle insert giving a false indication of correct installation.

The NPRM proposed to require a detailed inspection of all passenger and service entry door assist handles for correct installation and applicable on-condition actions. The proposed actions were intended to address the possibility of an incorrectly installed door assist handle becoming detached and unavailable to use during door operation or airplane egress, which could cause injury to passengers, flightcrew, or maintenance personnel.

Actions Since the NPRM Was Issued

Since issuance of the NPRM, Boeing has informed the FAA that the root cause determination has changed. The unsafe condition still exists but the proposed service information is ineffective in correcting it, therefore it is necessary to completely revise the service information to address the root cause.

Withdrawal of the NPRM constitutes only such action and does not preclude the FAA from further rulemaking on this issue, nor does it commit the FAA to any course of action in the future.

FAA's Conclusions

Upon further consideration, the FAA has determined that the NPRM does not adequately address the identified unsafe condition. Accordingly, the NPRM is withdrawn.

Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule. This action therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

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

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket No. FAA–2019–0518, which was published in the **Federal Register** on July 15, 2019 (84 FR 33710), is withdrawn.

Issued on March 24, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–06503 Filed 3–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0208; Product Identifier 2019–NM–209–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2015–13–06, which applies to certain The Boeing Company Model 747–400 and 747–400F series airplanes. AD 2015–13–06 requires repetitive inspections of the longeron extension fittings for cracking, repetitive high frequency eddy current (HFEC) inspections of any modified, repaired, or replaced longeron extension fitting for cracking, and applicable on-condition actions. Since the FAA issued AD 2015–13–06, the FAA has determined that additional airplanes are affected by the identified unsafe condition. This proposed AD would retain the requirements of AD 2015–13–06 and include additional airplanes in the applicability. For those additional airplanes, this proposed AD would require only repetitive inspections of the longeron extension fittings for cracking and repair if necessary. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 14, 2020.

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

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room

W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

• *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; phone: 562–797–1717; internet: *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0208.

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–2020–0208; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Eric Lin, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3523; email: *eric.lin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0208; Product Identifier 2019–NM–209–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

The FAA issued AD 2015–13–06, Amendment 39–18193 (80 FR 44835, July 28, 2015) (''AD 2015–13–06''), for certain The Boeing Company Model 747–400 and 747–400F series airplanes. AD 2015–13–06 requires repetitive inspections of the longeron extension fittings for cracking, repetitive HFEC inspections of any modified, repaired, or replaced longeron extension fitting for cracking, and applicable on-condition actions. AD 2015–13–06 resulted from reports of cracking in the outboard flange of the longeron extension fittings, and the FAA's determination that more work is necessary on airplanes on which a permanent repair, longeron extension fitting replacement, or modification was accomplished. The FAA issued AD 2015–13–06 to address cracks in the longeron extension fittings, which can become large and adversely affect the structural integrity of the airplane.

Actions Since AD 2015–13–06 Was Issued

Since the FAA issued AD 2015–13–06, Boeing reported that an operator found a cracked longeron extension fitting on an airplane not included in the applicability of AD 2015–13–06. Based on that report, the FAA has determined that additional airplanes are likely affected by the identified unsafe condition. The FAA has therefore added Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400D, 747SR, and 747SP series airplanes to the applicability of this proposed AD.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Service Bulletin 747–53A2860, Revision 3, dated November 11, 2019. The service information describes procedures for repetitive inspections of the longeron extension fittings for cracking, repetitive HFEC inspections of any modified, repaired, or replaced longeron extension fitting for cracking, and applicable on-condition actions. On-condition actions include replacement, repair, and modification. 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 proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

Although this proposed AD does not explicitly restate the requirements of AD 2015–13–06, this proposed AD would retain all of the requirements of AD 2015–13–06. Those requirements are referenced in the service information identified previously, which, in turn, is referenced in paragraph (g) of this proposed AD. This proposed AD would include additional airplanes in the applicability. This proposed AD would also require accomplishing the actions specified in the service information described previously. For information on the procedures and compliance times, see this service information at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0208.

Costs of Compliance

The FAA estimates that this proposed AD affects 67 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
HFEC inspection (retained actions from AD 2015-13-06) (41 airplanes).	32 work-hours × $85 per hour = $2,720 per inspection cycle.	$0	$2,720 per inspection cycle ...	$111,520 per inspection cycle.
HFEC inspection (new proposed action) (26 airplanes).	32 work-hours × $85 per hour = $2,720 per inspection cycle.	$0	$2,720 per inspection cycle ...	$70,720 per inspection cycle.

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

ESTIMATED COSTS OF ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement, Repair, Modification, or Preventative Modification.	Up to 908 work-hours × $85 per hour = Up to $77,180.	Up to $99,950	Up to $177,130.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2015–13–06, Amendment 39–18193 (80 FR 44835, July 28, 2015), and adding the following new AD:

The Boeing Company: Docket No. FAA–2020–0208; Product Identifier 2019–NM–209–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by May 14, 2020.

(b) Affected ADs

This AD replaces AD 2015–13–06, Amendment 39–18193 (80 FR 44835, July 28, 2015) (''AD 2015–13–06'').

(c) Applicability

This AD applies to The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes, certificated in any category, as identified in Boeing Service Bulletin 747–53A2860, Revision 3, dated November 11, 2019.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of cracking in the outboard flange of the longeron extension fittings and the FAA's determination that additional airplanes are affected by the identified unsafe condition. The FAA is issuing this AD to address cracks in the longeron extension fittings, which can become large and adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2860, Revision 3, dated November 11, 2019, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Service Bulletin 747–53A2860, Revision 3, dated November 11, 2019.

(h) Exceptions to Service Information Specifications

(1) Where Boeing Service Bulletin 747–53A2860, Revision 3, dated November 11, 2019, uses the phrase ''the Revision 3 date of this service bulletin,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Service Bulletin 747–53A2860, Revision 3, dated November 11, 2019, specifies contacting Boeing for repair instructions: This AD requires doing the repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 747–53A2860, Revision 1, dated March 18, 2014, which was incorporated by reference in AD 2015–13–06, Amendment 39–18193 (80 FR 44835, July 28, 2015); or Boeing Service Bulletin 747–53A2860, Revision 2, dated July 12, 2016, which is not incorporated by reference in this AD.

(2) This paragraph provides credit for the repetitive inspections, and inspection of temporary repair and corrective actions required by paragraph (g) of this AD, if those actions were performed before September 1, 2015 (the effective date of AD 2015–13–06) using Boeing Alert Service Bulletin 747–53A2860, dated December 4, 2012, which was incorporated by reference in AD 2013–14–05, Amendment 39–17510, (78 FR 43763, July 22, 2013).

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair,

modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved previously for the actions specified in paragraphs (g), (h), (i), and (j) of AD 2015–13–06 are approved as AMOCs for the corresponding provisions of Boeing Service Bulletin 747–53A2860, Revision 3, dated November 11, 2019, that are required by paragraph (g) of this AD.

(k) Related Information

(1) For more information about this AD, contact Eric Lin, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3523; email: *eric.lin@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; phone: 562–797–1717; internet: *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA.

For information on the availability of this material at the FAA, call 206–231–3195.

Issued on March 22, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–06501 Filed 3–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0265; Project Identifier MCAI–2019–00131–E]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (Type Certificate Previously Held by Rolls-Royce plc) Turbofan Engines.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Rolls-Royce Deutschland Ltd. & Co KG Trent XWB–75, Trent XWB–79, Trent XWB–79B, and Trent XWB–84 model turbofan engines. This proposed AD was prompted by reports of a lack of weld fusion on the resistance welding during manufacturing, which could result in air leakage through the low-pressure turbine (LPT) rear support seal panel assembly (''LPT seal panel''). This proposed AD would require replacement of the LPT seal panel. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 14, 2020.

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

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

For service information identified in this NPRM, contact Rolls-Royce Deutschland Ltd. & Co KG, Eschenweg 11, 15827 Blankenfelde-Mahlow, Germany; phone: +49 (0) 33 708 6 0; email: *https://www.rolls-royce.com/contact-us.aspx.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA, 01803. For information on the availability of this material at the FAA, call 781–238–7759.

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–2020–0265; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), 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: Stephen Elwin, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA, 01803; phone: 781–238–7236; fax: 781–238–7199; email: *stephen.l.elwin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0265; Project Identifier MCAI–2019–00131–E'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

Except for Confidential Business Information as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Stephen Elwin, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA, 01803. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2019–0071, dated March 28, 2019 (referred to after this as ''the MCAI''), to address the unsafe condition on these products. The MCAI states:

> The affected parts, as defined in this [EASA] AD, are static parts, located behind the intermediate pressure (IP) turbine 2 disc, forming a seal between the IP and LP cavities through an interface with the rotating IP

flying seal. It was recently determined that, on certain affected parts, insufficient fusion was achieved on the resistance welding during manufacturing.

This condition, if not corrected, could lead to air leakage through the LP seal panel, affecting the service lives of the IP turbine 2 and LP turbine 1 discs, possibly resulting in premature disc failure and high energy uncontained debris release from the engine, with consequent damage to, and reduced control of, the aeroplane.

To address this potential unsafe condition, Rolls-Royce identified the affected parts and published the NMSB, providing instructions to replace these affected parts.

For the reason described above, this [EASA] AD requires replacement of affected parts during a qualified shop visit.

You may obtain further information by examining the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0265.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Rolls-Royce plc Alert Non-Modification Service Bulletin (NMSB) Trent XWB 72–AJ994, Revision 2, dated August 29, 2019. The Alert NMSB describes procedures for removing and replacing the LPT seal panel. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by EASA and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because we evaluated all the relevant information provided by EASA and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require replacement of the LPT seal panel.

Costs of Compliance

The FAA estimates that this proposed AD affects 26 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace the LPT seal panel	1 work-hour × $85 per hour = $85	$282,890	$282,975	$7,357,350

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Rolls-Royce Deutschland Ltd & Co KG: Docket No. FAA–2020–0265; Project Identifier MCAI–2019–00131–E.

(a) Comments Due Date

The FAA must receive comments by May 14, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Rolls-Royce Deutschland Ltd. & Co KG (Type Certificate Previously Held by Rolls-Royce plc) Trent XWB–75, Trent XWB–79, Trent XWB–79B, and Trent XWB–84 model turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by reports of a lack of weld fusion on the resistance welding during manufacturing, which could result in air leakage through the low-pressure turbine (LPT) rear support seal panel assembly (''LPT seal panel'') causing a life reduction to the intermediate pressure turbine (IPT) 2 and LPT 1 disks. The FAA is issuing this AD to prevent failure of the IPT 2 and LPT 1 disks. The unsafe condition, if not addressed, could result in uncontained debris release, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

During the next qualified shop visit after the effective date of this AD, or during the current shop visit, if, on the effective date of this AD, the engine or module 51 is in a qualified shop visit, remove the affected LPT seal panel from service and replace it with a part eligible for installation in accordance with the Accomplishment Instructions, paragraph 3.A., of Rolls-Royce plc Alert Non-Modification Service Bulletin (NMSB) Trent XWB 72–AJ994, Revision 2, dated August 29, 2019.

(h) Definitions

(1) For the purpose of this AD, a ''qualified shop visit'' is a Level 4 (Overhaul) or Level 3 (Refurbishment) shop visit of an affected engine with an affected LPT seal panel installed, or Level 2 shop visit (Check and Repair) of module 51 with an affected LPT seal panel installed.

(2) For the purpose of this AD, ''module 51'' is the intermediate pressure low-pressure turbine assembly.

(3) For the purpose of this AD, an ''affected LPT seal panel'' is LPT rear support seal panel assembly, identified as catalogue serial number (CSN) 72512301890, with a serial number (S/N) listed in Appendix 1 of RR Alert NMSB Trent XWB 72–AJ994, Revision 2, dated August 29, 2019. This appendix additionally lists the module 51 S/N and engine S/N in which these panels were originally installed.

(4) For the purpose of this AD, a ''part eligible for installation'' is a LPT seal panel, CSN 72512301890, with a S/N not listed in Appendix 1 of RR Alert NMSB Trent XWB 72–AJ994, Revision 2, dated August 29, 2019.

(i) Credit for Previous Actions

You may take credit for replacement of the LPT seal panel requirements of paragraph (g) of this AD if you performed the replacement before the effective date of this AD using RR Alert NMSB Trent XWB 72–AJ994, Revision 1, dated November 15, 2018, or Initial Issue, dated September 5, 2018.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

(1) For more information about this AD, contact Stephen Elwin, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA, 01803; phone: 781–238–7236; fax: 781–238–7199; email: *stephen.l.elwin@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2019–0071, dated March 28, 2019, for more information. You may examine the EASA AD in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating it in Docket No. FAA–2020–0265.

(3) For service information identified in this AD, contact Rolls-Royce Deutschland Ltd. & Co KG, Eschenweg 11, 15827 Blankenfelde-Mahlow, Germany; phone: +49 (0) 33 708 6 0; email: *https://www.rolls-royce.com/contact-us.aspx.* You may view this referenced service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA, 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Issued on March 24, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–06412 Filed 3–27–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 360

[Docket No. 200312–0078]

RIN 0625–AB17

Modification of Regulations Regarding the Steel Import Monitoring and Analysis System

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: On May 17, 2019, the United States announced joint understandings with Canada and Mexico, respectively, to eliminate tariffs imposed under Section 232 of the Trade Expansion Act of 1962, as amended, on imports of steel and aluminum products from Canada and Mexico and to establish a process for monitoring such imports. Consistent with the joint understandings, and to enhance U.S. Government monitoring and analysis of steel imports more generally, the U.S. Department of Commerce (Commerce) publishes this proposed rule to enhance its existing Steel Import Monitoring and Analysis (SIMA) system to allow for the effective and timely monitoring of import surges of specific steel products which will aid in the prevention of transshipment of steel products. Specifically, Commerce proposes to modify its regulations to require import license applicants to identify the country where the steel used in the manufacture of the imported steel product was melted and poured, and to release this data on an aggregate basis, as appropriate; to harmonize the scope of SIMA's licensing requirement with the scope of steel products subject to Section 232 tariffs; to extend the SIMA system indefinitely by eliminating the regulatory provision concerning the duration of the SIMA system; and to expand eligibility for use of the low-value license for certain steel entries. Commerce will address the monitoring of aluminum imports in a separate rulemaking.

DATES: To be assured of consideration, written comments must be received no later than April 29, 2020.

ADDRESSES: Submit comments through the Federal eRulemaking Portal at *http://www.Regulations.gov,* Docket No. ITA–2019–0008. Comments may also be submitted by mail or hand delivery/courier, addressed to Jeffrey I. Kessler, Assistant Secretary for Enforcement and Compliance, Room 1870, Department of Commerce, 1401 Constitution Ave. NW, Washington, DC 20230.

Commerce will consider all comments received before the close of the comment period. All comments responding to this document will be a matter of public record and will generally be available on the Federal eRulemaking Portal at *http://www.Regulations.gov.* Commerce will not accept comments accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. Therefore, do not submit confidential business information or otherwise sensitive or protected information.

Any questions concerning the process for submitting comments should be submitted to Enforcement and Compliance (E&C) Communications office at (202) 482–0063 or *ECCommunications@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Julie Al-Saadawi at (202) 482–1930, Brandon Custard (202) 482–1823, or Jessica Link at (202) 482–1411.

SUPPLEMENTARY INFORMATION:

Background

The SIMA System

The purpose of the SIMA system is to provide steel producers, steel consumers, importers, and the general public with accurate and timely information on anticipated imports of certain steel products into the United

States. Steel import licenses, issued through the online SIMA licensing system, are required by U.S. Customs and Border Protection (CBP) for filing entry summary documentation for imports of certain steel mill products into the United States.[1] Through the monitoring tool, certain import data collected from the licenses are aggregated weekly and reported on the publicly available SIMA system website, *https://enforcement.trade.gov/steel/license/*. This tool provides valuable data regarding certain steel mill imports into the United States as early as possible and makes such data available to the public approximately five weeks in advance of official U.S. import statistics compiled by the U.S. Census Bureau.

The SIMA system has operated under its current authority since March 11, 2005. Prior to that date, authority for steel import licensing and monitoring was derived from Presidential Proclamation 7529 of March 5, 2002 and accompanying memorandum.[2] Pursuant to sections 201 and 203 of the 1974 Trade Act, as amended (19 U.S.C. 2251 and 2253), Proclamation 7529 implemented safeguard measures with respect to certain imported steel products, placing temporary tariffs on these steel imports and requiring the Secretary of Commerce to establish a system of import licensing to facilitate the monitoring of these steel imports. Accordingly, on July 18, 2002, Commerce issued and requested public comment on a proposed rule to establish a steel licensing system requiring all importers of the covered steel products to obtain a license from Commerce prior to completing CBP entry summary documentation.[3] This monitoring tool ensured that the effectiveness of the border measure was not undermined by large quantities of imports originating from countries that were excluded from the tariffs. On December 31, 2002, Commerce issued a final rule implementing the Steel Import Licensing and Surge Monitoring program, which was codified at 19 CFR part 360.[4]

Subsequently, Presidential Proclamation 7741 of December 4, 2003 terminated the steel safeguard measures, but directed the Secretary of Commerce to continue the monitoring system until the earlier of March 21, 2005, or such time as the Secretary of Commerce established a replacement program.[5] On December 9, 2003, Commerce published a notice stating that the system would continue in effect as described in Proclamation 7741 until March 21, 2005.[6] On August 25, 2004, Commerce published an advanced notice of proposed rulemaking soliciting comments on whether to continue the SIMA system (formerly known as the Steel Import Licensing and Surge Monitoring System), beyond March 21, 2005 and whether the system should be modified.[7]

Commerce determined that there continued to be a need to collect import data, and published an interim final rule revising 19 CFR part 360 to extend the SIMA system for four years under the authority of the Census Act of 1930, as amended (13 U.S.C. 301(a) and 302), and expand the coverage of the system to include all basic steel mill products, while also removing certain downstream steel products.[8] Commerce also provided an exception to the requirement for obtaining a unique license for each CBP entry where the total value of the covered steel portion of an entry was less than $250 (*i.e.,* the low-value license).[9] Commerce explained that the purpose of the SIMA system is to provide statistical data on steel imports entering the United States seven weeks earlier than is otherwise publicly available, and that the data collected on the licenses are made available to the public in an aggregated form weekly after Commerce review.[10]

On December 5, 2005, Commerce published a final rule that did not make any changes to the interim final rule.[11] However, in light of certain comments, Commerce agreed to a discrete change to the SIMA system via its website that did not require regulatory changes.[12]

The SIMA system was subsequently extended several times through the rulemaking process, with the most recent extension of the SIMA system continuing until March 21, 2022.[13] Therefore, unless further extended, the SIMA system is set to expire on March 21, 2022.[14]

Section 232 Tariffs on Steel Imports

Presidential Proclamation 9705 of March 8, 2018, which was issued pursuant to Section 232 of the Trade Expansion Act of 1962, as amended, adjusted imports of steel articles by imposing a 25 percent ad valorem tariff on certain steel articles imported from most countries, to address the threatened impairment to the national security of the United States by such imports from those countries.[15] Presidential Proclamation 9711 of March 22, 2018 amended certain aspects of Presidential Proclamation 9705, providing for duty exemptions for certain countries, including Canada and Mexico, which were to expire on May 1, 2018 unless agreement was reached with respect to a satisfactory alternative means to address the threatened impairment to the national security of the United States by steel imports from those countries.[16] Presidential Proclamation 9740 of April 30, 2018 further amended certain aspects of the prior proclamations, continuing the duty exemptions for certain countries, including Canada and Mexico, until June 1, 2018.[17] Presidential Proclamation 9759 of May 31, 2018 further amended certain aspects of the prior proclamations, continuing the duty exemptions for certain countries, which did not include Canada and Mexico, on a long-term basis.[18] Presidential Proclamation 9772 of August 10, 2018, Presidential Proclamation 9777 of August 29, 2018, and Presidential Proclamation 9886 of May 16, 2019 further amended certain aspects of prior proclamations.[19]

[1] *See* 19 CFR 12.145.

[2] *To Facilitate Positive Adjustment to Competition From Imports of Certain Steel Products,* Proclamation No. 7529, 67 FR 10553 (Mar. 7, 2002); *Action Under Section 203 of the Trade Act of 1974 Concerning Certain Steel Products,* Memorandum of March 5, 2002, 67 FR 10593 (Mar. 7, 2002).

[3] *Steel Import Licensing and Surge Monitoring,* Proposed Rule, 67 FR 47338 (July 18, 2002).

[4] *Steel Import Licensing and Surge Monitoring,* Final Rule, 67 FR 79845 (Dec. 31, 2002).

[5] *To Provide for the Termination of Action Taken With Regard to Imports of Certain Steel Products,* Proclamation No. 7741, 68 FR 68483 (Dec. 8, 2003).

[6] *Steel Import Licensing and Surge Monitoring,* 68 FR 68594 (Dec. 9, 2003).

[7] *Steel Import Monitoring and Analysis System,* Advanced Notice of Proposed Rulemaking, 69 FR 52211 (Aug. 25, 2004).

[8] *Steel Import Monitoring and Analysis System,* Interim Final Rule, 70 FR 12133 (Mar. 11, 2005).

[9] *Id.*

[10] *Id.*

[11] *Steel Import Monitoring and Analysis System,* Final Rule, 70 FR 72373 (Dec. 5, 2005).

[12] *Id.*

[13] *See Steel Import Monitoring and Analysis System,* Final Rule, 74 FR 11474 (Mar. 18, 2009) (extending the SIMA system to March 21, 2013); *Steel Import Monitoring and Analysis System,* Final Rule, 78 FR 11090 (Feb. 15, 2013) (extending the SIMA system to March 21, 2017); and *Steel Import Monitoring and Analysis System,* Final Rule, 82 FR 1183 (Jan. 5, 2017) (extending the SIMA system to March 21, 2022).

[14] *See* 19 CFR 360.105.

[15] *Adjusting Imports of Steel Into the United States,* Proclamation No. 9705, 83 FR 11625 (Mar. 15, 2018).

[16] *Adjusting Imports of Steel Into the United States,* Proclamation No. 9711, 83 FR 13361 (Mar. 28, 2018).

[17] *Adjusting Imports of Steel Into the United States,* Proclamation No. 9740, 83 FR 20683 (May 7, 2018).

[18] *Adjusting Imports of Steel Into the United States,* Proclamation No. 9759, 83 FR 25857 (June 5, 2018).

[19] *Adjusting Imports of Steel Into the United States,* Proclamation No. 9772, 83 FR 40429 (Aug. 15, 2018); *Adjusting Imports of Steel Into the United*

As a result of the aforementioned proclamations, effective June 1, 2018, all steel imports from Canada and Mexico were subject to Section 232 tariffs. However, Presidential Proclamation 9705 provided that any country with which the United States has a security relationship is welcome to discuss alternative ways to address the threatened impairment of the national security caused by imports of steel articles from that country. Subsequently, on May 17, 2019, the United States announced that such discussions had yielded joint understandings with Canada and Mexico, respectively, to remove the Section 232 tariffs for steel imports from those countries.[20] As part of the joint understandings, the United States and Canada, and the United States and Mexico, agreed to implement effective measures to prevent the transshipment of steel products made outside of the United States, Canada, and Mexico, among other commitments. Additionally, the joint understandings allow for the countries to establish an agreed-upon process for monitoring steel trade between them, and, further, in monitoring for surges, to treat products made with steel that is melted and poured in North America separately from products that are not. In light of the joint understandings, Presidential Proclamation 9894 of May 19, 2019 provided that a satisfactory alternative means had been agreed upon and, effective May 21, 2019, steel imports from Canada and Mexico would no longer be subject to Section 232 tariffs.[21]

Explanation of Proposed Rule

Commerce proposes to amend the SIMA system as follows.

First, as discussed above, the joint understandings provide that, in monitoring for surges of steel imports, the United States, Canada, and Mexico may treat products made with steel that is melted and poured in North America separately from products that are not. As discussed further above, the SIMA system is a critical trade monitoring program which collects timely detailed statistics on anticipated steel imports and provides stakeholders with information about import trends in this sector in advance of official U.S. import statistics. Under the system, importers of certain steel mill products must apply for a steel import license through the online SIMA licensing system, which requires the name and address of the importer, type of steel product, and country of origin of the steel imports, along with additional information. This information is detailed at 19 CFR 360.103(c). These licenses are required by CBP for filing entry summary documentation for imports of certain steel mill products into the United States. The SIMA system currently does not collect information with regard to the country where the steel used in the manufacture of the imported steel product was melted and poured. Therefore, consistent with the joint understandings, and to enhance U.S. Government monitoring and analysis of steel imports more generally, Commerce proposes to amend the SIMA system to require identification of the country where the steel is melted and poured as an additional requirement to obtaining an import license. Commerce proposes to effectuate these changes by amending 19 CFR 360.103(c) as well as the SIMA import license form.

Additionally, as discussed above, pursuant to 19 CFR 360.104 certain aggregate information obtained from the steel licenses are reported on the SIMA system website on a monthly basis, which are refreshed each week. Commerce proposes to make minor amendments to 19 CFR 360.104(a) to align more closely with Commerce's practice of replacing outdated license data with official U.S. import statistics compiled by the U.S. Census Bureau, where available, as well as to clarify that certain import data are reported by general steel mill ''product groups'' (*i.e.,* flat, long, pipe and tube, semi-finished, and stainless steel products), which are further broken down by specific steel mill ''product categories'' (currently reflecting 52 types of steel products).

Moreover, consistent with the joint understandings, Commerce also proposes to amend 19 CFR 360.104(a) to identify that Commerce will report aggregate data obtained from the steel licenses on a monthly basis by country of origin, steel mill product group, and the country where the steel used in the manufacture of the imported product is melted and poured. In reporting such aggregate data, Commerce will include import quantity (metric tons), import CBP value (U.S. $), and average unit value ($/metric ton). We find that this level of detail offers the greatest level of data dissemination to the public that does not contribute to an increased risk of inadvertent disclosure of proprietary data. Commerce is not otherwise altering 19 CFR 360.104(a). Consistent with the current regulatory provision, the provision of aggregate data may be revisited over concerns regarding the possible release of proprietary data.

Second, Commerce also proposes to expand the scope of steel products covered by the SIMA system so that it covers all steel products subject to Section 232 tariffs (*see* Appendix I of this document for a list of these additional products). This will allow for more consistent and complete monitoring for surges and transshipment.[22] Commerce proposes to amend 19 CFR 360.101(a) to indicate that the products covered by the SIMA system will be listed on the SIMA website and identified by HTS codes. The HTS codes, which are maintained by the U.S. International Trade Commission, may be updated periodically to reflect revisions to the codes.

Third, Commerce proposes to extend the SIMA system indefinitely by eliminating the regulatory provision, 19 CFR 360.105, which makes the SIMA system temporary. In the past, Commerce has considered whether to extend the SIMA system every four years, which is done under the authority of the Census Act of 1930, as amended (13 U.S.C. 301(a) and 302).[23] Although the SIMA system is not set to expire until March 21, 2022, Commerce proposes to extend the system indefinitely given that the program is a well-established and important trade monitoring tool that has strong support from the trade community over its near-twenty year history.[24] Therefore, Commerce proposes to eliminate 19 CFR 360.105 as indicated below, and make

States, Proclamation No. 9777, 83 FR 45025 (Sept. 4, 2018); *Adjusting Imports of Steel Into the United States,* Proclamation No. 9886, 84 FR 23421 (May 21, 2019).

[20] *See* Joint Statement by the United States and Canada on Section 232 Duties on Steel and Aluminum, dated May 17, 2019, *available at https://ustr.gov/sites/default/files/Joint_Statement_by_the_United_States_and_Canada.pdf;* Joint Statement by the United States and Mexico on Section 232 Duties on Steel and Aluminum, dated May 17, 2019, *available at https://ustr.gov/sites/default/files/Joint_Statement_by_the_United_States_and_Mexico.pdf.*

[21] *Adjusting Imports of Steel Into the United States,* Proclamation No. 9894, 84 FR 23987 (May 23, 2019).

[22] A list of the products currently covered by the SIMA system by Harmonized Tariff Schedule (HTS) codes can be obtained on the SIMA system website, *https://enforcement.trade.gov/steel/license/SMP_byHTS.pdf.*

[23] *See, e.g., Steel Import Monitoring and Analysis System,* Interim Final Rule, 70 FR 12133, 12134 (''The Department believes that the SIMA system is a critical trade monitoring program and is extending it for another four years under the authority of the Census Act of 1930.'') (Mar. 11, 2005); *Steel Import Monitoring and Analysis System,* Final Rule, 74 FR 11474 (Mar. 18, 2009) (extending the SIMA system to March 21, 2013); *Steel Import Monitoring and Analysis System,* Final Rule, 78 FR 11090 (Feb. 15, 2013) (extending the SIMA system to March 21, 2017); and *Steel Import Monitoring and Analysis System,* Final Rule, 82 FR 1183 (Jan. 5, 2017) (extending the SIMA system to March 21, 2022).

[24] *See Steel Import Monitoring and Analysis System,* Final Rule, 78 FR at 11091; *Steel Import Monitoring and Analysis System,* Final Rule, 82 FR at 1184.

conforming amendments to 19 CFR 360.104(a).

Fourth, Commerce proposes to amend 19 CFR 360.103(f) to expand eligibility for use of the low-value license for certain steel entries from a $250 value to a $5,000 value to align with current practice. The low-value license is an optional multiple-use license that allows a company to apply once for a steel import license and use it on multiple occasions for entries of covered steel products with a limited customs value. A re-usable low-value license number can be obtained with respect to an entry for which the portion covered by the steel licensing requirement is less than the limited amount and may be used by those companies listed on the license. The low-value license is processed on the SIMA website in the same manner as a typical steel license. Commerce's low-value license application form provides that such a license may apply to covered steel products with a value of $5,000 or less per entry. Accordingly, Commerce proposes to make conforming edits to 19 CFR 360.103(f) to reflect this requirement.

Classifications

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this proposed rule is significant for purposes of Executive Order 12866.

Executive Order 13771

This proposed rule is not expected to be subject to the requirements of Executive Order 13771 because this proposed rule is expected to result in no more than *de minimis* costs.

Paperwork Reduction Act

This proposed rule contains collection of information requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35 (PRA). Prior to this proposed rule, the existing collection of information requirements under the SIMA system and related license form have been approved by OMB (Control No.: 0625–0245; Expiration Date: 01/31/2021). Public reporting for this existing collection of information is estimated to be less than 10 minutes per response, including the time for reviewing instructions, and completing and reviewing the collection of information.

As described above, there are two revisions in this proposed rule which will have an impact on the public reporting for this collection of information. First, in addition to existing data fields on the license form (*i.e.,* the name and address of the importer, type of steel product, country of origin of the steel imports, along with additional information), license applicants will need to identify the country where steel is melted and poured. Commerce does not anticipate any additional burden on the public because of the extra data field. This is based on the assumption that the importer will have access to fulsome information about the product being imported, including the mill test certification (which would indicate country of melt and pour). Because the mill test certification is not currently required by CBP for entry purposes or required by Commerce for antidumping and countervailing duty purposes, Commerce cannot guarantee each importer would have a copy of the mill test certification. However, Commerce expects that the mill test certification would be included with the standard sales documentation for steel mill imports and therefore would be readily available to the importer.

Second, the licensing requirement will be expanded to apply to all steel products, including 8 additional HTS categories in addition to the approximately 780 HTS categories currently covered by the SIMA system. We estimate conservatively that this will generate a public burden of approximately 317 hours per year. This is based on the fact that in 2018, the number of unique entry summaries for the 8 HTS categories was less than 1900, and it takes less than 10 minutes to fill out a license application.

The regulatory text change to expand eligibility for use of the low-value license for certain steel entries from a $250 value to a $5,000 value will not have an impact on the public reporting for this collection of information. Commerce has already included its current practice of the expanded eligibility in its prior PRA estimates.

Therefore, the Paperwork Reduction Act Data for the existing collection of information requirements is unchanged in this proposed rule.

Paperwork Reduction Act Data:

OMB Control Number: 0625–0245.

ITA Number: ITA–4141P.

Type of Review: Regular Submission.

Affected Public: Business or other for-profit.

Estimated Number of Registered Users: 3,500 for regular licenses, including 250 for low-value licenses.

Estimated Time per Response: Less than 10 minutes.

Estimated Total Annual Burden Hours: 93,195 hours, including 21 hours burden for low-value licenses.

Estimated Total Annual Costs: $0.00.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number.

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 costs) of the proposed collection 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 forms of information technology.

Submit comments as instructed in the **ADDRESSES** section above; or to OMB by email to *OIRA_submission@omb.eop.gov,* or by fax to 202–395–5806. All comments on the proposed revisions to the information collection requirements 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.

Executive Order 13132

This proposed rule does not contain policies with federalism implications as that term is defined in section 1(a) of Executive Order 13132, dated August 4, 1999 (64 FR 43255 (August 10, 1999)).

Regulatory Flexibility Act

The Chief Counsel for Regulation has certified to the Chief Counsel for Advocacy of the Small Business Administration under the provisions of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that the proposed rule if adopted, would not have a significant economic impact on a substantial number of small entities as that term is defined in the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq* (RFA). A summary of the factual basis for this certification is below.

This proposed rule will not have a significant economic impact on a substantial number of small entities. This rule, if implemented, would: (1) Require import license applicants to additionally identify the country where steel used in the manufacture of the imported steel product was melted and poured; (2) harmonize the scope of SIMA's licensing requirement with the

scope of steel products subject to Section 232 tariffs; (3) indefinitely extend the SIMA system; and (4) to modify the regulations regarding low value licenses to align with our current practice. The entities that would be impacted by this rule are importers and brokerage companies that import steel mill products. These entities are already required to provide information, including the name and address of the importer, type of steel product, and country of origin of the steel imports, along with additional information, to obtain steel import licenses through the online SIMA licensing system for filing entry summary documentation required by CBP for U.S. imports of steel mill products. Based on statistics derived from current license applications, of the approximately 562,857 licenses issued each year, Commerce estimates that less than two percent of the license applications would be filed by importers and brokerage companies considered to be small entities.

Based on the current usage of the SIMA system, Commerce does not anticipate that these four changes to the SIMA system required under this proposed rule will have a significant economic impact. Companies are already familiar with the licensing of certain steel products under the current system. In most cases, brokerage companies will apply for the license on behalf of the steel importers. Most brokerage companies that are currently involved in filing documentation for importing goods into the United States are accustomed to CBP's automated entry filing systems. Today, CBP filings are handled electronically. Therefore, the proposed modifications to the license application should not be a significant obstacle to any firm. Should an importer or brokerage company need to register for an account or apply for a license non-electronically, a fax/phone option is available at Commerce during regular business hours. There is no cost to register for a company-specific steel license account and no cost to file for the license. Each license form is expected to take less than 10 minutes to complete and collects much of the same information required on the CBP entry summary documentation. The steel import license is the only additional U.S. entry requirement that the importers or their representatives must fulfill in order to import each covered steel product shipment under 19 CFR part 360.

Commerce does not charge fees for licenses. Commerce estimates that the likely aggregate license costs incurred by small entities in terms of the time to apply for licenses as a result of this proposed rule would be less than two percent, or an estimated $37,523.00, of the estimated total $1,876,190 cost to all steel importers to process the on-line automatic licenses. These calculations are based on an hourly pay rate of $20.00 multiplied by the estimated 93,195 total annual burden hours. The vast majority of licenses are for large companies. The average cost of a single license is less than $3.33 based on the estimate that one license requires less than 10 minutes of the filer's time.

Therefore, the proposed rule would not have a significant economic impact on a substantial number of small business entities. For this reason, an Initial Regulatory Flexibility Analysis is not required and one has not been prepared.

List of Subjects in 19 CFR Part 360

Administrative Practice and Procedure, Business and Industry, Imports, Reporting and Recordkeeping Requirements, Steel.

Dated: March 19, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

For the reasons stated in the preamble, the Department of Commerce proposes to amend 19 CFR part 360 as follows:

PART 360—STEEL IMPORT MONITORING AND ANALYSIS SYSTEM

■ 1. The authority citation for 19 CFR part 360 continues to read as follows:

Authority: 13 U.S.C. 301(a) and 302.

■ 2. Amend § 360.101 by revising paragraph (a)(1) to read as follows:

§ 360.101 Steel import licensing.

(a) * * *

(1) All imports of basic steel mill products are subject to the import licensing requirements. These products are listed on the Steel Import Monitoring and Analysis (SIMA) system website (*https://enforcement.trade.gov/steel/license/index.html*). Registered users will be able to obtain steel import licenses on the SIMA System website. This website contains two sections related to import licensing—the online registration system and the automatic steel import license issuance system. Information gathered from these licenses will be aggregated and posted on the import monitoring section of the SIMA system website.

* * * * *

■ 3. Amend § 360.103 by revising paragraphs (c)(1) and (f) to read as follows:

§ 360.103 Automatic issuance of import licenses.

* * * * *

(c) * * *

(1) The following information is required to be reported in order to obtain an import license (if using the automatic licensing system, some of this information will be provided automatically from information submitted as part of the registration process):

(i) Filer company name and address;

(ii) Filer contact name, phone number, fax number and email address;

(iii) Entry type (*i.e.,* Consumption, FTZ);

(iv) Importer name;

(v) Exporter name;

(vi) Manufacturer name (filer may state ''unknown'');

(vii) Country of origin;

(viii) Country of exportation;

(ix) Expected date of export;

(x) Expected date of import;

(xi) Expected port of entry;

(xii) Current HTS number (from Chapters 72 or 73);

(xiii) Country where the steel used in the manufacture of the product was melted and poured;

(xiv) Quantity (in kilograms) and

(xv) Customs value (U.S. $).

* * * * *

(f) *Low-value licenses.* There is one exception to the requirement for obtaining a unique license for each Customs entry. If the total value of the covered steel portion of an entry is less than $5,000, applicants may apply to Commerce for a low-value license that can be used in lieu of a single entry license for low-value entries.

■ 4. Amend § 360.104 by revising paragraph (a) to read as follows:

§ 360.104 Steel import monitoring.

(a) Commerce will maintain an import monitoring system on the SIMA system website that will report certain aggregate information on imports of steel mill products obtained from the steel licenses and, where available, from the U.S. Census Bureau. Aggregate data will be reported on a monthly basis by country of origin and steel mill product category under certain steel mill product groups (*i.e.,* flat, long, pipe and tube, semi-finished, and stainless steel products) and will include import quantity (metric tons), import Customs value (U.S. $), and average unit value ($/metric ton). The website will also contain certain aggregate data at the 6-digit Harmonized Tariff Schedule level and will also present a range of historical data for comparison purposes. Additionally, aggregate license data will be reported on a monthly basis by

country of origin, steel mill product group, and the country where the steel used in the manufacture of the product was melted and poured and will include import quantity (metric tons), import Customs value (U.S. $), and average unit value ($/metric ton). Provision of this aggregate data on the website may be revisited should concerns arise over the possible release of proprietary data.

* * * * *

§ 360.105 [Removed and Reserved]

■ 5. Section 360.105 is removed and reserved.

Note: The following appendix will not appear in the Code of Federal Regulations.

APPENDIX I—LIST OF ADDITIONAL PRODUCTS TO BE COVERED BY THE SIMA SYSTEM

HTS code	HTS description
7217901000	Wire Iron or Nonalloy Steel, Coated With Plastics.
7222406000	Angles, Shapes and Sections Stainless Steel; Others.
7228706000	Angles, Shapes and Sections Alloy Steel Not Stainless Other Than Hot-Rolled.
7302101065	Used Railway Rails, Iron or Nonalloy Steel, for Rerolling, Not Scrap.
7302101075	Rails, Used, of Iron or Nonalloy Steel, Not Railway Rails for Rerolling, Not Scrap.
7302105040	Railway Rails for Rerolling, of Alloy Steel, Used.
7302105060	Rails of Alloy Steel, Used, Other Than Railway Rails for Rerolling.
7302909000	Other Railway or Tramway Track Construction Material of Iron Or Steel Others.

[FR Doc. 2020–06213 Filed 3–27–20; 8:45 am]
BILLING CODE 3510–DS–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

EPA–HQ–OAR–2013–0597; FRL–10006–49–OAR]
RIN 2060–AO75

Protection of the Stratospheric Ozone: Motor Vehicle Air Conditioning System Servicing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to adopt three technical standards developed by SAE International (SAE) for equipment that recovers, recycles, and/or recharges the refrigerant 2,3,3,3-Tetrafluoroprop-1-ene (HFO–1234yf or R–1234yf) in motor vehicle air conditioners (MVACs). The three standards are SAE J2843, SAE J2851, and SAE J3030. This proposed rulemaking would adopt the most current versions of these standards by incorporating them by reference into the regulations related to the protection of stratospheric ozone. This will provide additional flexibility for industry stakeholders that wish to select recovery and recycling equipment certified to these standards.

DATES: Comments on this notice of proposed rulemaking must be received on or before May 14, 2020. Any party requesting a public hearing must notify the contact listed below under **FOR FURTHER INFORMATION CONTACT** by 5 p.m. Eastern Daylight Time on April 6, 2020. If a public hearing is requested, the hearing will be held on April 14, 2020 in Washington, DC. More details concerning the hearing, including whether a hearing will be held, will be available at *https://www.epa.gov/mvac.* The EPA does not intend to publish any future notices in the **Federal Register** regarding a public hearing on this proposed rule and directs all inquiries regarding a hearing to the website and contact listed below under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OAR–2013–0597, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov* (our preferred method). Follow the online instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2013–0597 in the subject line of the message.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2013–0597.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2013–0597, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand/Courier Delivery:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m.–4:30 p.m., Monday–Friday (except federal holidays).

Instructions: All submissions received must include the Docket ID No. EPA–HQ–OAR–2013–0597. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document. All documents in the docket are listed on the *https://www.regulations.gov* website. Standards from SAE Surface Vehicle Standards referenced in the index are property of SAE and are reasonably available for purchase at *https://www.sae.org/standards/.org.* Publicly available docket materials are available electronically through *https://www.regulations.gov* and all information, including the three SAE standards that are being incorporated by reference, is available in hard copy at the Air and Radiation Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air and Radiation Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Christina Motilall, Stratospheric Protection Division, Office of Atmospheric Programs (Mail Code 6205T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–564–1287; email address: *motilall.christina@epa.gov.*

SUPPLEMENTARY INFORMATION: Direct your comments to Docket ID No. EPA–HQ–OAR–2013–0597. 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 *https://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

information that you consider to be CBI or otherwise protected through *https://www.regulations.gov* or email. This type of information should be submitted by mail as discussed below.

The EPA may publish any comment received to its public docket. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

The *https://www.regulations.gov* website allows you to submit your comment anonymously, 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 *https://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 digital storage media 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 not include special characters or 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 *https://www.epa.gov/dockets.*

Submitting CBI. Do not submit information containing CBI to the EPA through *https://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, mark the outside of the digital storage media as CBI and then identify electronically within the digital storage media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in Instructions above. If you submit any digital storage media that does not contain CBI, mark the outside of the digital storage media clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2013–0597.

Table of Contents

I. General Information

A. Does this action apply to me?

Potentially regulated entities, identified by the North American Industrial Classification System (NAICS) Code, may include, but are not limited to, the following which all fall under the category of ''Industry'':

- New and used car dealers (NAICS code 441110)
- Gas service stations (NAICS codes 447110 and 447190)
- General automotive repair shops (NAICS code 811111)
- Automotive repair shops not elsewhere classified, including air conditioning and radiator specialty shops (NAICS code 811198)
- Other Motor Vehicle Parts Manufacturing (NAICS code 336390)

This list is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this proposed action. Other types of entities not listed here could also be regulated. To determine whether your entity is regulated by this action, you should carefully examine the applicability criteria found in Clean Air Act (CAA) section 609, and relevant implementing regulations at 40 CFR part 82, subpart B. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

B. What acronyms and abbreviations are used in the preamble?

AHRI Air-Conditioning, Heating, and Refrigeration Institute, formerly Air-Conditioning and Refrigeration Institute (ARI)
CAA Clean Air Act
CFC Chlorofluorocarbon
CFR Code of Federal Regulations
EPA United States Environmental Protection Agency
ETL ETL Testing Laboratories
HCFC Hydrochlorofluorocarbon
HFC Hydrofluorocarbon
HFO Hydrofluoroolefin
MVACs Motor Vehicle Air Conditioners
MY Model Year
NAICS North American Industrial Classification System
NTTAA National Technology Transfer and Advancement Act
OMB Office of Management and Budget
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
SAE SAE International, formerly the Society of Automotive Engineers
SNAP Significant New Alternatives Policy
UMRA Unfunded Mandates Reform Act
UL Underwriters Laboratories

II. Background

A. CAA Section 609

CAA section 609 directs the EPA to issue regulations establishing standards

and requirements for the servicing of MVACs. For purposes of the regulations implementing CAA section 609, MVACs [1] are defined as equipment that use mechanical vapor compression refrigeration to cool the driver's or passenger's compartment of any motor vehicle. This definition is not intended to encompass the hermetically sealed refrigeration systems used on motor vehicles for refrigerated cargo and the air conditioning systems on passenger buses using hydrochlorofluorocarbons (HCFC)-22 or R–22 refrigerant. For purposes of the section 609 regulations, motor vehicle is defined as any vehicle which is self-propelled and designed for transporting persons or property on a street or highway, including but not limited to passenger cars, light-duty vehicles, and heavy-duty vehicles. This definition does not include a vehicle where final assembly of the vehicle has not been completed by the original equipment manufacturer.

Under CAA section 609 and regulations that implement it, no person repairing or servicing motor vehicles for consideration may perform any service on an MVAC that involves the refrigerant without properly using approved refrigerant recovery or recovery and recycling equipment, and no such person may perform such service unless such person has been properly trained and certified. Section 609 also restricts the sale of class I and class II substances for use as a refrigerant in MVACs in containers of 20 pounds or less, except to certified technicians. Class I substances (chlorofluorocarbons (CFCs), halons, carbon tetrachloride, methyl chloroform, methyl bromide, hydrobromofluorocarbons, and chlorobromomethane) and class II substances (HCFCs) are ozone-depleting compounds and are listed in 40 CFR part 82, subpart A, Appendix A and Appendix B, respectively.

Regulations issued under CAA section 609, codified at 40 CFR part 82, subpart B, include, among other things, prohibited and required practices for persons repairing and servicing MVACs for consideration (40 CFR 82.34); requirements for refrigerant handling equipment (40 CFR 82.36); approval processes for independent standards testing organizations (40 CFR 82.38); and requirements for certifications that any person servicing or repairing MVACs for consideration must submit to the EPA, and related recordkeeping requirements (40 CFR 82.42). Appendices A–F at 40 CFR 82, subpart B, provide minimum operating requirements for equipment used for the recovery, recycling and/or recharging of refrigerant used in MVACs.

B. Major Rules Under Section 609

In 1992, the EPA published a rule (57 FR 31242; July 14, 1992) under CAA section 609 establishing standards and requirements for servicing of MVACs and restricting the sale of small containers of ozone-depleting substances. The regulations, which appear in 40 CFR part 82, subpart B, require persons who repair or service MVACs for consideration to be certified in refrigerant recovery and recycling and to properly use approved equipment when performing service involving the refrigerant. ''Refrigerant'' is defined in subpart B as any class I or class II substance used in MVACs, and to include any substitute substance effective November 15, 1995. The 1992 rule also defined approved refrigerant recycling equipment as equipment certified by the Administrator or an approved organization as meeting either one of the standards in 40 CFR 82.36. Such equipment extracts and recycles refrigerant or extracts but does not recycle refrigerant, allowing that refrigerant to be subsequently recycled on-site or to be sent off-site for reclamation.[2] The EPA based the regulatory equipment standards in subpart B on those developed by SAE. They cover service procedures for dichlorodifluoromethane (CFC–12 or R–12) recover/recycle equipment (SAE J1989, issued in October 1989), test procedures to evaluate R–12 recover/recycle equipment (SAE J1990, issued in October 1989 and revised in 1991) and a purity standard for recycled R–12 refrigerant (SAE J1991, issued in October 1989). Only equipment certified to meet the standards set forth in Appendix A at 40 CFR part 82, subpart B, or that meet the criteria for substantially identical equipment, was approved under CAA section 609 for use in the servicing of MVACs at that time.

The 1992 rule also implemented the statutory prohibition on the sale or distribution of any class I or class II substance suitable for use in MVACs that is in a container of less than 20 pounds, to anyone other than a properly trained and certified section 609 technician. The rule also contained standards by which: (1) An independent standards testing organization may apply to the agency for approval to test and approve refrigerant recycling equipment; and (2) a training and certification program may apply to the agency for approval to train and certify technicians in the proper use of refrigerant recycling equipment for MVACs. Underwriters Laboratories (UL) and ETL Testing Laboratories (ETL) are the approved independent standards testing organizations that currently certify equipment using the standards that appear in Appendix A of 40 CFR part 82, subpart B.

Finally, the 1992 rule established recordkeeping and reporting requirements that include: Certifying that only properly trained and certified individuals are repairing or servicing MVACs for consideration; certifying the use of approved recycling equipment and that each individual authorized to use the equipment has obtained the proper training and certification; and requiring that owners of approved refrigerant recycling equipment retain records demonstrating that all persons authorized to operate the equipment obtained the required certification.

In 1995, the EPA issued a rule (60 FR 21682; May 2, 1995) establishing regulatory standards, based on standards developed by SAE, which applied to certification of R–12 recover-only equipment, in Appendix B at 40 CFR part 82, subpart B. Specifically, for recover-only equipment, the agency adopted the recommended service procedure for the containment of R–12 (SAE J1989, issued in October 1989 and set forth in subpart B Appendix B) and test procedures to evaluate recover-only equipment (SAE J2209, issued in June 1992). The definition of ''approved refrigerant recycling equipment'' was revised in the 1995 rule to include this recover-only equipment. UL and ETL were also approved to certify recover-only equipment. Finally, service technicians previously certified to handle recover/recycle equipment were grandfathered so that they would not have to be recertified to handle recover-only equipment.

The EPA issued a third rule under CAA section 609 in 1997 (62 FR 68026; December 30, 1997) in response to the increasing use of alternative refrigerants, particularly 1,1,1,2-tetrafluoroethane (HFC–134a or R–134a). The 1997 rule established standards and requirements

[1] A related definition for MVAC-like is found at 40 CFR 82.152: MVAC-like appliance means a mechanical vapor compression, open-drive compressor appliance with a full charge of 20 pounds or less of refrigerant used to cool the driver's or passenger's compartment of off-road vehicles or equipment. This includes, but is not limited to, the air-conditioning equipment found on agricultural or construction vehicles. This definition is not intended to cover appliances using R–22 refrigerant.

[2] Equipment that extracts and recycles refrigerant is referred to as recover/recycle equipment. Equipment that extracts but does not recycle refrigerant is referred to as equipment that recovers but does not recycle refrigerant, or as recover-only equipment.

for the servicing of MVACs that use any refrigerant other than R–12. The rule also stated refrigerant (whether R–12 or a substitute) recovered from motor vehicles at motor vehicle disposal facilities may be re-used in the MVAC service sector only if it has been properly recovered and recycled by persons who are either employees, owners, or operators of the facilities, or technicians certified under CAA section 609, using approved equipment. The 1997 rule also established conditions under which owners and operators of motor vehicle disposal facilities may sell refrigerant recovered from such vehicles to technicians certified under CAA section 609.

Additionally, the 1997 rule established standards for recover/recycle equipment for R–134a; recover-only equipment for R–12, R–134a, and R–1234yf; recycling equipment intended for use with both R–12 and R–134a; and recover-only equipment for a single refrigerant other than R–12 or R–134a. The 1997 rule established appendices C through F at 40 CFR part 82, subpart B. Specifically, Appendix C contains standards based on SAE J2788 for recovery/recycle and recovery/recycle/recharging equipment for R–134a refrigerant. Appendix D is based upon SAE J1732 and establishes standards for recover-only equipment for R–134a. Appendix E contains standards for recover-only equipment for both R–12 and R–134a, while Appendix F establishes standards for recover-only equipment for any single refrigerant other than R–12 and R–134a.

Since the publication of the 1997 rule, the EPA has published two rules, one in 2007 (72 FR 63490; November 9, 2007) and one in 2008 (73 FR 34644; June 18, 2008), to reflect updated SAE standards. Research showed that equipment certified to meet SAE J2210 and SAE J1732 [3] left as much as 30% of the refrigerant in MVACs. As a result of these findings, SAE developed SAE J2788 and SAE J2810, which require that equipment be capable of recovering 95% of refrigerant from MVACs. The two rules adopted SAE J2788 and SAE J2810, which replaced SAE J2210 and SAE J1732, respectively, allowing for an increased percent of refrigerant to be recovered during servicing.

[3] SAE J2210 (HFC–134a (R–134a) Recovery/Recycling Equipment for Mobile Air-Conditioning Systems (Cancelled Nov 2010)). SAE J1732 (HFC–134a (R–134a) Refrigerant Recovery Equipment for Mobile Automotive Air-Conditioning Systems (STABILIZED Nov 2011)).

III. What is the EPA proposing in this action?

The EPA is proposing to incorporate by reference three standards developed by SAE for equipment servicing MVACs that use a hydrofluoroolefin (HFO)-1234yf or R–1234yf. This proposed rulemaking would adopt three standards that provide technical specifications for equipment used for servicing MVACs containing the refrigerant R–1234yf consistent with section 609 of the CAA and the regulations in 40 CFR part 82, subpart B. R–1234yf was listed by the EPA's Significant New Alternatives Policy (SNAP) program as acceptable, subject to use conditions, in MVACs in new cars and new light-duty trucks (76 FR 17488; March 29, 2011), and in certain new heavy-duty vehicles—new medium-duty passenger vehicles, new heavy-duty pickup trucks, and new complete heavy-duty vans (81 FR 86778; December 1, 2016).

The regulations at 40 CFR 82.34 state that no person repairing or servicing MVACs for consideration may perform any service involving refrigerant for such MVACs without properly using equipment approved pursuant to 40 CFR 82.36. The EPA is proposing that equipment certified to meet the three SAE standards (that the EPA is proposing to incorporate by reference) would be approved to recover, recycle, and/or recharge the refrigerant R–1234yf for MVACs.

A. What are the standards the EPA is proposing to adopt?

The EPA is proposing to amend 40 CFR part 82, subpart B, sections 82.32, 82.36, 82.38, and 82.40 to adopt three equipment standards for the servicing of MVACs that use R–1234yf and incorporate these standards by reference. The three standards are:

- SAE J2843 (revised July 2019), ''R–1234yf [HFO–1234yf] Recovery/Recycling/Recharging Equipment for Flammable Refrigerants for Mobile Air-Conditioning Systems;''
- SAE J2851 (revised February 2015), ''Recovery Equipment for Contaminated R–134a or R–1234yf Refrigerant from Mobile Air Conditioning Systems;'' and
- SAE J3030 (revised July 2015), ''Automotive Refrigerant Recovery/Recycling/Recharging Equipment Intended for use with Both R–1234yf and R–134a.''

SAE J2843, J2851, and J3030 were developed by SAE, which is a global association of more than 138,000 engineers and related technical experts in the aerospace, automotive, and commercial-vehicle industries. The SAE Interior Climate Control Standards Committee consists of a Steering Committee plus sub-committees: Fluids, MAC Supplier, Service, and Vehicle OEM. The SAE Interior Climate Control Standards Committee has published more than 50 documents and has an HS–2900 handbook that include standards on safety, refrigerants, components, testing, service procedures, service equipment, and training. The EPA has previously cited some of these standards in regulations. This committee includes representatives from across the MVAC industry including but not limited to system component manufacturers, automobile manufacturers, servicing equipment manufacturers, and refrigerant manufacturers. Each of the SAE Ground Vehicle Standards for technical specifications related to MVAC servicing undergoes a rigorous peer review process.

All three of the SAE standards that the EPA is proposing to adopt relate to recycling and/or removal of R–1234yf. R–1234yf has gained significant market share in motor vehicles since its introduction in the 2013 model year (MY). According to the 2018 EPA Automotive Trends Report, in the 2017 MY, use of R–1234yf has grown to ten manufacturers (accounting for almost 40% of the US new vehicle fleet) and some manufacturers have implemented R–1234yf across their entire vehicle brands.[4] This increased use of R–1234yf will lead to more MVACs needing to be serviced and/or repaired compared to when R–1234yf was first introduced. Adopting the three standards would assist technicians choosing to repair or service MVACs containing R–1234yf to properly use approved refrigerant handling equipment when performing any service involving the refrigerant. As R–1234yf is classified as mildly flammable, the equipment meeting these standards must have electrical components deemed acceptable for exposure to refrigerants at that level of flammability, ensuring the safety of technicians. This proposed rule would also increase industry flexibility in selecting proper recovery, recycling, and recharging equipment by expanding their options. These standards would also help to mitigate the risk to human health and the environment by directing technicians towards equipment that should limit unintentional releases of automotive refrigerant during the service or repair of MVACs. Moreover, use of equipment that meets the standards the EPA is proposing to incorporate by reference should reduce

[4] *https://www.epa.gov/automotive-trends/download-automotive-trends-report.*

mixing of refrigerants. Preventing the mixing of refrigerants facilitates refrigerant recycling and reduces releases into the atmosphere. Equipment certified to meet SAE J2843, J2851, and/or J3030 would be approved under CAA section 609 implementing regulations. Equipment meeting these standards are capable of near-complete recovery of refrigerant from such MVACs. Some of this equipment is designed for use with MVACs containing either R–134a or R–1234yf; this equipment is certified to prevent contamination when switching between refrigerants. Below is a further description of each of the standards.

i. SAE J2843

SAE J2843 (adopted July 2019) establishes standards for equipment that recovers, recycles, and/or recharges R–1234yf in MVACs. This standard applies to equipment intended for use with R–1234yf refrigerant only. Equipment meeting this standard must be capable of recovering refrigerant within 30 minutes, which is consistent with other SAE standards, resulting in convenience for the car owner as well as the technician. The recycling capabilities of equipment meeting SAE J2843 can return the refrigerant to the same level of purity as newly manufactured (virgin) refrigerant, ensuring that the refrigerant recharged into the system will provide the same level of performance and durability as virgin refrigerant. This recycling allows for the continued use of recovered refrigerant. Prior to recharging an MVAC, service technicians using equipment meeting this standard can check for leaks that could be repaired to avoid refrigerant releases. Maintaining a properly charged MVAC should result in efficient operation.

ii. SAE J2851

SAE J2851 (adopted February 2015) establishes minimum performance and operating standards for equipment that recovers contaminated R–134a and/or R–1234yf refrigerant from MVACs. Refrigerant recovered with this equipment cannot be recycled on-site and instead should be returned to an EPA-approved reclamation facility that will process it appropriately as per Air-Conditioning, Heating, and Refrigeration Institute (AHRI) 700 standard entitled *Specifications for Fluorocarbon Refrigerants.* Refrigerant recovery equipment should ensure adequate refrigerant recovery and reduce emissions during the removal of refrigerant from MVACs.

iii. SAE J3030

SAE J3030 (adopted July 2015) establishes the minimum requirements for recovery/recycling/recharging equipment intended for use to service MVACs that contain either R–1234yf or R–134a. New equipment capable of performing any service on MVACs that involves recovery of, recycling of, or recharging with either R–134a or R–1234yf would be required to meet SAE J3030 requirements for both refrigerants. The dual-refrigerant equipment covered by this standard may be useful given that R–134a and R–1234yf are both widely used in motor vehicles in the United States.

B. What is the effect of adopting these standards?

Adopting these standards would assist approved independent standards testing organizations (currently UL and ETL) in certifying equipment for commercial refrigerant recovery/recycling that meet the EPA's minimum performance requirements outlined in the CAA. In addition, service and repair shops would be required to use equipment certified to meet SAE J2843, J2851, and J3030 if servicing MVACs using R–1234yf.

EPA's proposed amendments to 40 CFR 82.36 would revise paragraph (a)(7), add paragraphs (a)(8), (9), (10) and add a note following (a)(10) to add additional options to the list of approved refrigerant handling equipment. This revision would allow servicing equipment manufactured to meet SAE J2843, J2851, and J3030 certified by the EPA or an independent standards testing organization approved by the EPA under 40 CFR 82.38 to meet the requirements of 40 CFR 82.34(a)(1). The EPA is also proposing to amend 40 CFR 82.32(e)(1), 82.38, and 82.40 to include references to 40 CFR 82.36(a)(8) through (10). The revisions to 40 CFR 82.32(e)(1) update the definition of the term ''properly using'' to add the standards incorporated by reference at 40 CFR 82.36(a)(8) through (10) to the list of recommended service procedures and practices for the containment of refrigerant. The revisions to 40 CFR 82.38 allow independent standards testing organizations to apply for approval to certify equipment as meeting the standards incorporated by reference at 40 CFR 82.36(a)(8) through (10), as well as the currently existing standards in appendices A, B, C, D, E and F. The revisions to 40 CFR 82.40 add the standards incorporated by reference at 40 CFR 82.36(a)(8) through (10) to the list of standards that any technician training program seeking approval must demonstrate are covered by their certification tests. It would be appropriate for approved technician training and certification programs to update their materials to reflect the standards incorporated by reference at 40 CFR 82.36(a)(8) through (10) and to submit a summary of the conforming changes to the Administrator as part of the summary required by 40 CFR 40.82(c). Current regulations at 40 CFR 82.36 contain the requirements for approved refrigerant handling equipment, including the requirement for certification of such equipment by the EPA or an independent, standards testing organization approved by the EPA. The Agency maintains a list of approved equipment by manufacturer and model, found here: *https://www.epa.gov/mvac/section-609-certified-equipment.*

Lastly, the EPA is proposing to amend Appendix F to subpart B of part 82. This appendix contains specifications for recovery equipment that extracts a single, specific refrigerant other than those named in the other appendices to subpart B. Since the EPA is proposing to add standards for recovery equipment for MVACs containing R–1234yf, the EPA is proposing to note that as appropriate, in this appendix.

The EPA is proposing to require technicians servicing MVACs containing R–1234yf to use servicing equipment that meets the minimum requirements of these standards to protect human health and the environment. Use of equipment that meets these standards also supports compliance with the prohibition in section 608(c) of the CAA on knowingly venting or otherwise knowingly releasing or disposing of refrigerant in a manner that allows the refrigerant to enter the environment in the course of servicing, maintaining, repairing, or disposing of an appliance. In addition, proper handling of R–1234yf is important given it is listed by ASHRAE as an A2L refrigerant meaning it is mildly flammable.[5] The EPA requests comment on the adoption of the three SAE standards described in this proposed rulemaking.

[5] American National Standards Institute (ANSI)/ASHRAE Standard 34—2016 assigns a safety group classification for each refrigerant which consists of two alphanumeric characters (*e.g.,* A2 or B1). The capital letter indicates the toxicity (*i.e.,* A = no evidence of toxicity, B = signifies toxicity) and the numeral denotes the flammability. Refrigerants with flammability classification ''3'' are highly flammable while those with flammability classification ''2'' are less flammable and those with flammability classification ''2L'' are mildly flammable.

IV. Incorporation by Reference

The EPA is proposing to adopt the following three standards by incorporating them by reference—SAE J2843 (adopted July 2019), ''R–1234yf [HFO–1234yf] Recovery/Recycling/Recharging Equipment for Flammable Refrigerants for Mobile Air-Conditioning Systems;'' SAE J2851 (adopted February 2015) ''Recovery Equipment for Contaminated R–134a or R–1234yf Refrigerant from Mobile Air Conditioning Systems;'' and SAE J3030 (adopted July 2015) ''Automotive Refrigerant Recovery/Recycling/Recharging Equipment Intended for use with Both R–1234yf and R–134a.'' This action would approve and provide technical specifications for MVAC recovery/recycling/recharging equipment so that it may be used for R–1234yf under CAA section 609 and 40 CFR part 82, subpart B. These standards are discussed in greater detail in section III of this preamble.

Incorporation by reference allows Federal agencies to comply with the requirement to publish rules in the **Federal Register** and the Code of Federal Regulations by referring to material already published elsewhere. The legal effect of incorporation by reference is that the material is treated as if it were published in the **Federal Register** and Code of Federal Regulations.

SAE J2843, J2851, and J3030 are available for purchase by mail at: SAE Customer Service, 400 Commonwealth Drive, Warrendale, PA 15096–0001; Telephone: 1–877–606–7323 in the U.S. or Canada (other countries dial 1–724–776–4970); internet address for SAE J2843: *https://www.sae.org/standards/content/j2843_201907;* internet address for SAE J2851: *https://www.sae.org/standards/content/j2851_201502;* internet address for SAE J3030: *https://www.sae.org/standards/content/j3030_201507.* The cost of SAE J2843, SAE J2851, and SAE J3030 is $83 each for an electronic or hard copy. The cost of obtaining these standards is not a significant financial burden for manufacturers of MVACs or recovery equipment manufacturers and purchase is not required for those selling, installing, or using the refrigerant handling equipment covered by these standards. Therefore, the EPA concludes that SAE J2843, SAE J2851, and SAE J3030 are reasonably available. Also, as noted above, a copy of the standards will be available in hard copy during the public comment period in the Public Reading Room for the Air and Radiation Docket. The EPA requests comment on incorporating by reference these three standards.

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

This action is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 2060–0247. This rule contains no new requirements for reporting or recordkeeping.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This action proposes to adopt and incorporate by reference three technical standards developed by SAE for equipment that recovers, recycles, and/or recharges R–1234yf in MVACs.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any Federal mandates or unfunded mandates as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, 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, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This action involves technical standards for the servicing of MVACs that use R–1234yf. The EPA is proposing to incorporate by reference three industry consensus standards: SAE J2843 ''R–1234yf [HFO–1234yf] Recovery/Recycling/Recharging Equipment for Flammable Refrigerants for Mobile Air-Conditioning Systems''; SAE J2851 ''Recovery Equipment for Contaminated R–134a or R–1234yf Refrigerant from Mobile Automotive Air Conditioning Systems''; and SAE J3030 ''Automotive Refrigerant Recovery/Recycling/Recharging Equipment Intended for use with Both R–1234yf and R–134a.'' Specifically, these standards are:

1. *SAE J2843: R–1234yf [HFO–1234yf] Recovery/Recycling/Recharging*

Equipment for Flammable Refrigerants for Mobile Air-Conditioning Systems (adopted July 2019). This standard applies to refrigerant handling equipment intended for use with R–1234yf refrigerant from MVACs only. It establishes requirements for equipment used to recover, recycle, and/or recharge R–1234yf. This standard is available at *https://www.sae.org/standards/content/j2843_201907.*

2. *SAE J2851: Recovery Equipment for Contaminated R–134a or R–1234yf Refrigerant from Mobile Automotive Air Conditioning Systems (adopted February 2015).* This standard applies to recovery equipment that removes contaminated R–134a and/or R–1234yf from MVACs. This standard is available at *https://www.sae.org/standards/content/j2851_201502.*

3. *SAE J3030: Automotive Refrigerant Recovery/Recycling/Recharging Equipment Intended for use with Both R–1234yf and R–134a (adopted July 2015).* This standard establishes the minimum equipment requirements for recovery/recycling/recharge equipment intended for use with both R–1234yf and R–134a in a common refrigerant circuit that has been directly removed from, and is intended for reuse, in MVACs. This standard is available at *https://www.sae.org/standards/content/j3030_201507.*

These standards may be purchased by mail at: SAE Customer Service, 400 Commonwealth Drive, Warrendale, PA 15096–0001; by telephone: 1–877–606–7323 in the United States or 1–724–776–4970 outside the United States or in Canada. The cost of SAE J2843, SAE J2851, and SAE J3030 is $81 each for an electronic or hard copy. The cost of obtaining these standards is not a significant financial burden for manufacturers of MVACs and purchase is not required for those selling, installing, or servicing MVACs. Therefore, the EPA concludes that SAE J2843, SAE J2851, and SAE J3030 are reasonably available.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This action proposes to adopt and incorporate by reference three technical standards for equipment that recovers, recycles, and/or recharges R–1234yf in MVACs. The proper use of servicing equipment prevents the intentional release of refrigerant to the environment and decreases the amount of such emissions to which all affected populations are exposed.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Recycling, Reporting and recordkeeping requirements, Stratospheric ozone layer.

Dated: March 6, 2020.

Andrew R. Wheeler,

Administrator.

For the reasons set out in the preamble, EPA proposes to amend 40 CFR part 82 as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

■ 1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Subpart B—Servicing of Motor Vehicle Air Conditioners

■ 2. Add § 82.31 to read as follows:

§ 82.31 Incorporation by reference.

(a) Certain material is incorporated by reference into this subpart part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. You can obtain the material from the sources listed below. You may inspect a copy of the approved material at U.S. EPA's Air and Radiation Docket; EPA West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC, phone: 202–566–1742, or 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 *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(b) SAE International. SAE Customer Service, 400 Commonwealth Drive, Warrendale, PA 15096–0001 USA; Email: *CustomerService@sae.org;* Telephone: 1–877–606–7323 (U.S. and Canada only) or 1–724–776–4970 (outside the U.S. and Canada); internet address: *http://store.sae.org/dlabout.htm.*

(1) SAE J2843. R–1234yf [HFO–1234yf] Recovery/Recycling/Recharging Equipment for Flammable Refrigerants for Mobile Air-Conditioning Systems. July 2019; approved for § 82.36(a).

(2) SAE J2851. Recovery Equipment for Contaminated R–134a or R–1234yf Refrigerant from Mobile Automotive Air Conditioning Systems. February 2015; approved for § 82.36(a).

(3) SAE J3030. Automotive Refrigerant Recovery/Recycling/Recharging Equipment Intended for Use with Both R–1234yf and R–134a. July 2015; approved for § 82.36(a).

■ 3. Amend § 82.32 by revising paragraph (e)(1) to read as follows:

§ 82.32 Definitions.

* * * * *

(e) *Properly using.* (1) Properly using means using equipment in conformity with the regulations set forth in this subpart, including but not limited to the prohibitions and required practices set forth in § 82.34, and the recommended service procedures and practices for the containment of refrigerant set forth in § 82.36(a) and appendices A, B, C, D, E, F to this subpart, as applicable. In addition, this term includes operating the equipment in accordance with the manufacturer's guide to operation and maintenance and using the equipment only for the controlled substance for which the machine is designed. For equipment that extracts and recycles refrigerant, properly using also means to recycle refrigerant before it is returned to a motor vehicle air conditioner or MVAC-like appliance, including to the motor vehicle air conditioner or MVAC-like appliance from which the refrigerant was extracted. For equipment that only recovers refrigerant, properly using includes the requirement to recycle the refrigerant on-site or send the refrigerant off-site for reclamation.

* * * * *

■ 4. Amend § 82.36 by:

■ a. Revising paragraph (a)(7);

■ b. Adding paragraphs (a)(8) through (10).

The revision and additions read as follows:

§ 82.36 Approved refrigerant handling equipment.

(a) * * *

(7) Equipment that recovers but does not recycle refrigerants other than CFC–12, HFC–134a, and HFO–1234yf must meet the standards set forth in Appendix F of this subpart (Recover-Only Equipment that Extracts a Single, Specific Refrigerant Other Than CFC–12, HFC–134a, or HFO–1234yf).

(8) Equipment that recovers and recycles HFO–1234yf refrigerant from MVACs and recharges MVAC systems with HFO–1234yf refrigerant must meet the standards set forth in SAE J2843, Recovery Equipment for Contaminated R–134a or R–1234yf Refrigerant from Mobile Air Conditioning Systems, (incorporated by reference, see § 82.31).

(9) Equipment that recovers but does not recycle contaminated HFC–134a and/or HFO–1234yf refrigerant from MVACs must meet the standards set forth in SAE J2851, Recovery Equipment for Contaminated R–134a or R–1234yf Refrigerant from Mobile Air Conditioning Systems, (incorporated by reference, see § 82.31).

(10) Equipment that recovers, recycles, and recharges both HFO–1234yf and R–134a from MVACs must meet the standards set forth in SAE J3030, Automotive Refrigerant Recovery/Recycling/Recharging Equipment Intended for Use with Both R–1234yf and R–134a, (incorporated by reference, see § 82.31).

* * * * *

■ 5. Amend § 82.38 by revising paragraph (a) to read as follows:

§ 82.38 Approved independent standards testing organizations.

(a) Any independent standards testing organization may apply for approval by the Administrator to certify equipment as meeting the standards in § 82.36(a) and appendices A, B, C, D, E, F to this subpart, as applicable. The application shall be sent to: MVACs Recycling Program Manager, Stratospheric Protection Division (6205T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

* * * * *

■ 6. Amend § 82.40 by revising paragraph (a)(2)(i) to read as follows:

§ 82.40 Technician training and certification.

(a) * * *

(2) * * *

(i) The standards established for the service and repair of MVACs and MVAC-like appliances as set forth in § 82.36(a) and appendices A, B, C, D, E, F to this subpart, as applicable. These standards relate to the recommended service procedures for the containment of refrigerant, extraction equipment, extraction and recycle equipment, and the standard of purity for refrigerant in motor vehicle air conditioners.

* * * * *

■ 7. Amend Appendix F to subpart B of part 82 by revising the appendix heading, the ''Foreword'' section, sections 1 and 3.1, and the ''Application'' section to read as follows:

Appendix F to Subpart B of Part 82—Standard for Recover-Only Equipment That Extracts a Single, Specific Refrigerant Other Than CFC–12, HFC–134a, or R–1234yf

Foreword

These specifications are for equipment that recovers, but does not recycle, any single, specific automotive refrigerant other than CFC–12, HFC–134a, or HFO–1234yf, including a blend refrigerant.

Scope

The purpose of this standard is to provide equipment specifications for the recovery of any single, specific refrigerant other than CFC–12, HFC–134a, or HFO–1234yf, including a blend refrigerant, which is either (1) to be returned to a refrigerant reclamation facility that will process the refrigerant to ARI Standard 700–93 or equivalent new product specifications at a minimum, or (2) to be recycled in approved refrigerant recycling equipment, or (3) to be destroyed. This standard applies to equipment used to service automobiles, light trucks, and other vehicles with similar air conditioning systems.

* * * * *

3. Specifications and General Description

3.1 The equipment must be able to extract from a mobile air conditioning system the refrigerant other than CFC–12, HFC–134a, or HFO–1234yf to which the equipment is dedicated.

* * * * *

Application

The purpose of this standard is to provide equipment specifications for the recovery of any refrigerant other than CFC–12, HFC–134a, or HFO–1234yf for return to a refrigerant reclamation facility that will process it to ARI Standard 700–93 (or for recycling in other EPA approved recycling equipment, in the event that EPA in the future designates a standard for equipment capable of recycling refrigerants other than CFC–12, HFC–134a, or HFO–1234yf).

* * * * *

[FR Doc. 2020–05197 Filed 3–27–20; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 299

[Docket No. FRA–2019–0068, Notice No. 3]

RIN 2130–AC84

Texas Central Railroad High-Speed Rail Safety Standards

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Proposed rule; announcement of public hearing postponement.

SUMMARY: FRA is postponing three public hearings, originally announced on March 12, 2020, for the purpose of receiving oral comment on the Texas Central Railroad High-Speed Rail Safety Standards notice of proposed rulemaking (NPRM). The hearings were scheduled between March 31, 2020 and April 2, 2020 in Dallas, Navasota, and Houston, Texas.

DATES: The public hearings that were scheduled on the following dates are postponed:

- Dallas, TX: March 31, 2020.
- Navasota, TX: April 1, 2020.
- Houston, TX: April 2, 2020.

The comment period for the proposed rule published on March 10, 2020 (85 FR 14036), is still scheduled to close on May 11, 2020. Written comments on the NPRM must be received by that date.

ADDRESSES: The postponed public hearings were scheduled at the following locations:

- Dallas, TX: Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, TX 75165.
- Navasota, TX: Grimes County Fairgrounds and Expo Center, 5220 FM 3455, Navasota, Texas 77868.
- Houston, TX: Waller High School Auditorium, 20950 Field Store Rd, Waller, TX 77484.

FOR FURTHER INFORMATION CONTACT: Michael Hunter, Attorney Adviser, U.S. Department of Transportation, Federal Railroad Administration, Office of Chief Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: (202) 493–0368).

SUPPLEMENTARY INFORMATION: In light of the President's March 13, 2020, declaration of national emergency concerning the novel coronavirus disease (COVID–19) outbreak, and the Centers for Disease Control and Prevention's (CDC) guidance to cancel mass gatherings of people, FRA is postponing the three public hearings it had scheduled between March 31, 2020 and April 2, 2020 in Dallas, Navasota, and Houston, Texas. FRA will reschedule to provide an opportunity for public hearing consistent with CDC guidelines, and may decide to use other alternative methods than in-person attendance. FRA plans to announce a revised hearing schedule in the **Federal Register** in the near future.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2020–06580 Filed 3–26–20; 8:45 am]

BILLING CODE 4910–06–P

Notices

Federal Register
Vol. 85, No. 61
Monday, March 30, 2020

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 25, 2020.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by April 29, 2020will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: 7 CFR part 245, Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools.

OMB Control Number: 0584–0026.

Summary of Collection: The Richard B. Russell National School Lunch Act (NSLA), Child Nutrition Act of 1966 (42 U.S.C. 1779), and Title 7 CFR part 245, Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools, set forth Program requirements for State agencies, local education agencies (LEAs)/school food authorities (SFAs), and households. 7 CFR part 245 and section 9 of the NSLA require Program participants and administrators of the School Breakfast Program (SBP), National School Lunch Program (NSLP), or Special Milk Program (SMP) to determine children's eligibility for free and reduced price meals and/or free milk. Also established in 7 CFR part 245 and section 9 of the NSLA are Program procedures and Federal requirements that prevent physical segregation, or other discrimination against, or overt identification of, children unable to pay the full price for meals or milk. All schools and institutions opting to participate in the SBP, NSLP, or the SMP are required to make free or reduced price meals or free milk available to all eligible enrolled children.

Need and Use of the Information: FNS collects information for this mandatory collection from State agencies, LEAs/SFAs, and households. The information collected from the State agencies and the LEAs/SFAs ensures that eligibility determinations are made, that applications are verified, that eligibility and other records are maintained, and that public notification is provided concerning the programs. The information collected from the households is used to determine eligibility for free and reduced price meal benefits and participation in the Special Milk Program and to verify eligibility determinations. FNS uses the information to estimate and report the burden that Program requirements have on State and local levels, comply with Federal requirements, understand the administrative and operational costs associated with Program eligibility criteria, to monitor the number of children directly certified and the number participating in the school meal programs, to monitor the number of household applications that are submitted, and to monitor the number of schools operating under Provision 1, 2, or 3 or the Community Eligibility Provision which enable schools to serve all enrolled students free meals at no charge.

Description of Respondents: Individuals or households; State, Local, or Tribal Government.

Number of Respondents: 3,571,311.

Frequency of Responses: Recordkeeping; Reporting; Third Party Disclosure: Annually.

Total Burden Hours: 664,725.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020–06546 Filed 3–27–20; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 25, 2020.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by April 29, 2020 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/*

public/do/PRAMain. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

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.

Animal and Plant Health Inspection Service

Title: Scrapie in Sheep and Goats; Interstate Movement Restrictions and Indemnity Program.

OMB Control Number: 0579–0101.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Secretary may also prohibit or restrict import or export of any such animal or related material if necessary to prevent spread of any livestock or poultry pest or disease. The AHPA is contained in Title X, Subtitle E, Sections 10401–18 of Public Law 107–171, May 13, 2002, the Farm Security and Rural Investment Act of 2002. Scrapie is a progressive, degenerative, and eventually fatal disease affecting the central nervous system of sheep and goats. Its control is complicated because the disease has an extremely long incubation period without clinical signs of disease, and there is no test for the disease and/or known treatment. The Animal and Plant Health Inspection Service (APHIS) restricts the interstate movement of certain sheep and goats to help prevent the spread of scrapie within the United States. APHIS has regulations at 9 CFR part 54 for an indemnity program to compensate owners of sheep and goats destroyed because of scrapie.

Need and Use of the Information: The regulations necessitate the use of a number of information collection activities including, but not limited to, applications for participation in the Scrapie Flock Certification Program; various plans for infected and source flocks; scrapie test records; application for indemnity payments; certificates; permits; and applications for APHIS-approved eartags, backtags, or tattoos, etc. Without this information, APHIS' efforts to more aggressively prevent the spread of scrapie would be severely hindered.

Description of Respondents: Business or other for-profit; Not for Profit; and State, Local, or Tribal Government;

Number of Respondents: 155,053.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 1,006,509.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020–06555 Filed 3–27–20; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2020–0011]

Notice of Request for a New Information Collection (Laboratory Assessment Requests)

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and the Office of Management and Budget (OMB) regulations, the Food Safety and Inspection Service (FSIS) is announcing its intention to collect information from laboratories that test food samples during illness outbreak investigations. This is a new information collection with 22.5 burden hours.

DATES: Submit comments on or before May 29, 2020.

ADDRESSES: FSIS invites interested persons to submit comments on this **Federal Register** notice. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides commenters the ability to type short comments directly into the comment field on the web page or to attach a file for lengthier comments. Go to *http://www.regulations.gov.* Follow the on-line instructions at that site for submitting comments.
- *Mail, including CD–ROMs, etc.:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Room 6065, Washington, DC 20250–3700.
- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2020–0011. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, call (202)720–5627 to schedule a time to visit the FSIS Docket Room at 1400 Independence Avenue SW, Room 6065, Washington, DC 20250–3700.

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

SUPPLEMENTARY INFORMATION:

Title: Laboratory Assessment Requests.

OMB Number: 0583–NEW.

Type of Request: New information collection.

Abstract: FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18 and 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

FSIS is announcing its intention to collect information from laboratories that test food samples during illness outbreak investigations. This is a new information collection with 22.5 burden hours.

As a public health regulatory agency, FSIS investigates reports of foodborne illness, contamination, and adulteration potentially associated with FSIS-regulated products. During these investigations, non-FSIS laboratories may test FSIS regulated product and share the results with FSIS. FSIS OPHS Science Staff (SciS) will review the results and associated documentation shared by the non-FSIS laboratory to determine whether FSIS will accept the results. If the SciS lead investigator determines the non-FSIS laboratory result is acceptable, FSIS may use the result to inform regulatory action (*e.g.* request a recall or detain product).

As part of the process to determine if the non-FSIS laboratory result is acceptable, the SciS lead investigator collects information from the non-FSIS laboratory and verifies that the non-FSIS laboratory can provide the appropriate

certifications and documentation of accreditation, such as ISO17025, or another third-party accreditation entity covering the methods performed. The SciS lead investigator also verifies that the laboratory has submitted all the necessary information, including evidence of chain of custody, the appropriate laboratory reports with sample identification, final results, and authorization by the responsible official for affirming results. Finally, the SciS investigator collects and verifies laboratory methods and quality assurance records documentation from the accredited, non-FSIS laboratory.

FSIS has made the estimates below based upon an information collection assessment.

Estimate of Burden: FSIS estimates that it will take respondents an average of 7.5 hours each year to comply with the information request associated with this collection.

Respondents: Non-FSIS laboratories.

Estimated Number of Respondents: 3.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 22.5 hours.

Copies of this information collection assessment can be obtained from Gina Kouba, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW, Room 6065, South Building, Washington, DC 20250–3700; (202) 720–5627.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS's estimate of the burden of the proposed collection of information, including the validity of the method and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent to both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20253.

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

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS will also announce and provide a link to this **Federal Register** publication through the FSIS *Constituent Update,* which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The *Constituent Update* is available on the FSIS web page. Through the web page, FSIS can provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Paul Kiecker,

Administrator.

[FR Doc. 2020–06564 Filed 3–27–20; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Broadband Pilot (ReConnect) Program

AGENCY: Rural Utilities Service, Department of Agriculture.

ACTION: Notice; amendment to Funding Opportunity Announcement (FOA) for the second round of the ReConnect Program.

SUMMARY: The Rural Utilities Service (RUS) published a Funding Opportunity Announcement (FOA) and solicitation of applications in the **Federal Register** on Thursday, December 12, 2019, (84 FR 67913) announcing its general policy and application procedures for funding under the broadband pilot program (ReConnect) established pursuant to the Consolidated Appropriations Act, 2018 (which became law on February 15, 2019) which provides loans, grants, and loan/grant combinations to facilitate broadband deployment in rural areas. The purpose of this notice is to inform the public of an extension of the application window until midnight, based on the time zone the applicant is located in, on April 15, 2020.

DATES: Actions described in this notice take effect March 30, 2020.

FOR FURTHER INFORMATION CONTACT: For general inquiries regarding the ReConnect Program, contact Laurel Leverrier, Acting Assistant Administrator Telecommunications Program, Rural Utilities Service, U.S. Department of Agriculture (USDA), email: *laurel.leverrier@wdc.usda.gov,* telephone (202) 720–9554. For inquiries regarding eligible service areas, please contact ReConnect Program Staff at *https://www.usda.gov/reconnect/contact-us.*

SUPPLEMENTARY INFORMATION:

Background

On December 12, 2019, RUS published a Funding Opportunity Announcement (FOA) and solicitation of applications in the **Federal Register** at 84 FR 67913. The FOA provided the policy and application procedures for the ReConnect Program. In support of the ReConnect Program, the agency identified the application closing date and funding amount for each category.

The action taken in this notice will extend the application window until midnight, based on the time zone the applicant is located in, on April 15, 2020. This is an extension from the March 12, 2020 Federal Notice (75 FR 14458) that set the application window at midnight, based on the time zone the applicant is located in, on March 31 30, 2020. This action is being taken by the Agency to ensure a successful round of funding under the ReConnect Program.

Chad Rupe,

Administrator, Rural Utilities Service.

[FR Doc. 2020–06561 Filed 3–27–20; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Proposed Information Collection; Comment Request; 2020–2022 Report of Organization

AGENCY: U.S. 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 a proposed extension of the Report of Organization, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before May 29, 2020.

ADDRESSES: Direct all written comments to Thomas Smith, PRA Liaison, U.S. Census Bureau, 4600 Silver Hill Road, Room 7K250A, Washington, DC 20233 (or via the internet at *PRAcomments@doc.gov*). You may also submit comments, identified by Docket Number USBC–2020–0008, 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 Carrie Hill, Economic Statistical Methods Division, U.S. Census Bureau, Room 5H069, Washington, DC 20233–6100 (or by email at *Carrie.Anne.Hill@census.gov*.)

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau conducts the annual Report of Organization to update and maintain a central, multipurpose Business Register (BR) database. In particular, the Report of Organization supplies critical information on the composition, organizational structure, and operating characteristics of multi-location companies.

The BR serves two fundamental purposes:

First and most important, it provides sampling populations and enumeration lists for the Census Bureau's economic surveys and censuses, and it serves as an integral part of the statistical foundation underlying those programs. Essential for this purpose is the BR's ability to identify all known United States business establishments and their parent companies. Further, the BR must accurately record basic business attributes needed to control sampling and enumeration. These attributes include industrial and geographic classifications, and name and address information.

Second, it provides establishment data that serve as the basis for the annual County Business Patterns (CBP) statistical series. The CBP publications present data on number of establishments, first quarter payroll, annual payroll, and mid-March employment summarized by industry and employment size class for the United States, the District of Columbia, island areas, counties, and country-equivalents. No other annual or more frequent series of industry statistics provides comparable detail, particularly for small geographic areas.

II. Method of Collection

The 2020–2022 Report of Organization collection strategy will focus on electronic reporting as the standard collection option. The 2020–2021 Report of Organization will request company-level information from a selection of multi-establishment enterprises, which comprise roughly 42,000 parent companies and more than 1.4 million establishments. Additionally, the panel will include approximately 5,000 large single-location companies that may have added locations during the year.

The Census Bureau will conduct the 2022 Report of Organization in conjunction with the 2022 Economic Census and will coordinate these collections to minimize response burden. The consolidated Report of Organization/census mail canvass will direct inquiries to the entire universe of multi-location enterprises that comprises roughly 165,000 parent companies and more than 1.9 million establishments. Additional Report of Organization inquiries will apply to the 15,000 multi-unit establishments classified in industries that are out-of-scope of the economic census.

Electronic reporting will be available to all 2020–2022 Report of Organization respondents. Companies will receive and return responses by secure internet transmission. The instrument will include inquiries on ownership or control by domestic or foreign parent, ownership of foreign affiliates, leased employment and cooperative organization. Further, the instrument will list an inventory of establishments belonging to the company and its subsidiaries, and request updates to these inventories, including additions, deletions and changes to information on EIN, name and address, industrial classification, end-of-year operating status, mid-March employment, first quarter payroll and annual payroll.

III. Data

OMB Control Number: 0607–0444.

Form Number(s): NC–99001 (for multi-establishment enterprises during 2020–2022) and NC–99007 (for single-location companies during 2020–2021).

Type of Review: Regular submission.

Affected Public: Businesses and not-for-profit institutions.

Estimated Number of Respondents: 47,000 per year for 2020–2021 and 165,000 for 2022.

Estimated Time per Response: 3.4 hours for 2020–2021 and 0.44 hours for 2022.

Estimated Total Annual Burden Hours: 159,800 hours for 2020–2021 and 72,600 hours for 2022.

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: Mandatory.

Legal Authority: Title 13 U.S.C. Sections 131 and 182.

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.

Dated: March 25, 2020.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–06566 Filed 3–27–20; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Office of the Secretary

Renewal of Currently Approved Information Collection; Comment Request; The Environmental Questionnaire and Checklist (EQC)

AGENCY: Office of Facilities and Environmental Quality, 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 comment on continuing the Environmental Questionnaire and Checklist, as required by the Paperwork Reduction Act of 1995. The purpose of this notice is to allow for 60 days of public comment.

DATES: To ensure consideration, written or online comments must be submitted on or before May 29, 2020.

ADDRESSES: Direct all written comments to the Department Paperwork Reduction Act Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *PRAcomments@doc.gov.* All comments received are part of the public record. 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.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to the DOC PRA Clearance Officer, Office of Policy and Governance, 14th and Constitution Avenue NW, Room 6616, Washington, DC 20230 (202) 482–3306 or at *PRAcomments@doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection. The National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4347) and the Council on Environmental Quality's (CEQ) Regulations for Implementing NEPA (40 CFR parts 1500–1508) require that federal agencies complete an environmental analysis for all major federal actions significantly affecting the environment. Those actions may include a federal agency's decision to fund non-federal projects under grants and cooperative agreements, including infrastructure projects. In order to determine NEPA compliance requirements for a project receiving Department of Commerce (DOC) bureau-level funding, DOC must assess information which can only be provided by the applicant for federal financial assistance (grant).

The Environmental Questionnaire and Checklist (EQC) provides federal financial assistance applicants and DOC staff with a tool to ensure that the necessary project and environmental information is obtained. The EQC was developed to collect data concerning potential environmental impacts that the applicant for federal financial assistance possesses and to transmit that information to the Federal reviewer. The EQC allows for a more rapid review of projects and facilitate DOC's evaluation of the potential environmental impacts of a project and level of NEPA documentation required. DOC staff use the information provided in answers to the questionnaire to determine compliance requirements for NEPA and conduct subsequent NEPA analysis as needed. Information provided in the questionnaire may also be used for other regulatory review requirements associated with the proposed project, such as the National Historic Preservation Act.

II. Method of Collection

The primary method of collection will be the internet (electronically). Some supporting documents may be emailed or mailed.

II. Data

OMB Control Number: 0690–0028.

Form Number: CD–593.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Business or other for-profit organizations; individuals or households; not-for-profit institutions; state, local, or tribal government; and Federal government.

Estimated Number of Respondents: 1,000.

Estimated Time per Response: 3 hours.

Estimated Total Annual Burden Hours: 3,000.

Estimated Total Annual Cost to Public: $1,200 in mailing costs ($6 × approximately 200 respondents who choose to mail rather than email attachments).

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.

Dated: March 25, 2020.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–06543 Filed 3–27–20; 8:45 am]

BILLING CODE 3510–NW–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–013]

Carbon and Certain Alloy Steel Wire Rod From the People's Republic of China: Final Results of the Expedited First Five-Year Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of this sunset review, the Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on carbon and certain alloy steel wire rod (wire rod) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable March 30, 2020.

FOR FURTHER INFORMATION CONTACT: Ian Hamilton, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4798.

SUPPLEMENTARY INFORMATION:

Background

On January 8, 2015, Commerce published its CVD order on wire rod from China in the **Federal Register**.[1] On December 2, 2019, Commerce published the notice of initiation of the first sunset review of the *Order,*[2] pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[3] Commerce received a notice of intent to participate from Charter Steel, Commercial Metals Company, EVRAZ Rocky Mountain Steel, Liberty Steel USA, Nucor Corporation, and Optimus Steel LLC (collectively, domestic interested parties), within the deadline specified in 19 CFR 351.218(d)(1)(i).[4] Each claimed interested party status under section 771(9)(C) of the Act, as domestic producers of wire rod in the United States.

Commerce received a substantive response from the domestic interested parties [5] within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no substantive response from any other domestic or interested parties in this proceeding, nor was a hearing requested.

On January 22, 2020, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.[6] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of this *Order.*

Scope of the Order

The merchandise covered by this *Order* is certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately circular cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.,* products that contain by weight one or more of the following elements: 0.1 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorus, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products subject to this *Order* are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093; 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS also may be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by the *Order* is dispositive. For a complete description of the scope of the *Order, see* the accompanying Issues and Decision Memorandum.[7]

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum. A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, we determine that revocation of the CVD order on wire rod from China would be likely to lead to continuation or recurrence of countervailable subsidies at the following rates:

Manufacturers/producers/exporters	Net countervailable subsidy (percent)
Benxi Steel	193.31
Hebei Iron & Steel Co., Ltd. Tangshan Branch	178.46
All Others	185.89

[1] *See Carbon and Certain Alloy Steel Wire Rod from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order,* 80 FR 1018 (January 8, 2015) (*Order*).

[2] *See Order.* We applied subsidy rates of 193.31 percent to Benxi Steel (comprised of: Benxi Beiying Iron & Steel Group Import & Export Corp.; Benxi Beiying Iron & Steel (Group) Co., Ltd.; Benxi Steel Group Corporation; Beitai Iron & Steel (Group) Co., Ltd.; Benxi Northern Steel Rolling Co., Ltd.; Benxi Beifang Gaosu Steel Wire Rod Co., Ltd.; Benxi Beitai Gaosu Steel Wire Rod Co., Ltd.; Benxi Northern Steel Co., Ltd.; Benxi Beifang Second Rolling Co., Ltd.; Benxi Beitai Ductile Iron Pipes Co., Ltd.; Benxi Iron and Steel (Group) Metallurgy Co., Ltd.; Benxi Iron and Steel (Group) Real Estate Development Co., Ltd.; Benxi Iron & Steel (Group) Co., Ltd.; Bei Tai Iron and Steel Group Imp. And Exp. (Dalian) Co., Ltd.; and Bengang Steel Plate Co., Ltd.); 178.46 percent to Hebei Iron & Steel Co., Ltd. Tangshan Branch; and 185.89 percent to all others. *Id.,* 80 FR at 1019.

[3] *See Initiation of Five-Year (Sunset) Review,* 84 FR 65968 (December 2, 2019).

[4] *See* Domestic Interested Parties' Letter, ''Carbon and Certain Alloy Steel Wire Rod from the People's Republic of China: Notice of Intent to Participate,'' dated December 17, 2019.

[5] *See* Domestic Interested Parties' Letter, ''Carbon and Certain Alloy Steel Wire Rod from the People's Republic of China: Substantive Response,'' dated January 2, 2020.

[6] *See* Commerce's Letter, ''Sunset Reviews Initiated on December 2, 2019,'' dated January 22, 2020.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Expedited First Sunset Review of the Antidumping Duty Order on Carbon and Certain Alloy Steel Wire Rod Oxide from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely 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.

Notification to Interested Parties

We are issuing and publishing the final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: March 24, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2020–06549 Filed 3–27–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–866]

Sodium Sulfate Anhydrous From Canada: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that sodium sulfate anhydrous (sodium sulfate) from Canada is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2018 through December 31, 2018. The final estimated weighted-average dumping margins of sales at LTFV are shown in the ''Final Determination'' section of this notice.

DATES: Applicable March 30, 2020.

FOR FURTHER INFORMATION CONTACT: Davina Friedmann or Erin Kearney, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6312 or (202) 482–0167, respectively.

SUPPLEMENTARY INFORMATION:

Background

This final determination is made in accordance with section 735 of the Tariff Act of 1930, as amended (the Act). On November 8, 2019, Commerce published the preliminary affirmative determination of sales at LTFV in the investigation of sodium sulfate from Canada, and also extended the final determination to March 23, 2020.[1] We invited interested parties to comment on the *Preliminary Determination.* On January 17, 2020, we received case briefs from the sole respondent, Saskatchewan Mining and Minerals Inc. (SMM),[2] and Cooper Natural Resources, Inc., Elementis Global LLC, and Searles Valley Minerals (collectively, the petitioners).[3] On January 22, 2020, we received rebuttal briefs from SMM,[4] the Government of Canada,[5] and the petitioners.[6] On February 28, we held a public hearing concerning the issues raised in case and rebuttal briefs.[7]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum.[8] A list of the issues raised is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and it is available to all parties in the Central Records Unit, room B–8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is sodium sulfate from Canada. For a full description of the scope of this investigation, *see* the ''Scope of the Investigation,'' in Appendix I of this notice.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), in October and December 2019, we verified the cost and sales information submitted by SMM for use in our final determination. We used standard verification procedures, including examination of relevant accounting and production records, and original source documents provided by SMM.[9]

Analysis of Comments Received and Changes Since the Preliminary Determination

As noted above, we received case and rebuttal briefs pertaining to the *Preliminary Determination.* For the purposes of the final determination, Commerce has made certain changes to the *Preliminary Determination:*

We incorporated into the final margin calculation the minor corrections presented by SMM at the outset of

[1] *See Sodium Sulfate Anhydrous from Canada: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures,* 84 FR 60375 (November 8, 2019) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* SMM's Letter, ''Antidumping Duty Investigation of Sodium Sulfate Anhydrous from Canada: Case Brief for SMMI,'' dated January 17, 2020.

[3] *See* Petitioners' Letter, ''Sodium Sulfate Anhydrous from Canada: Petitioners' Case Brief,'' dated January 17, 2020.

[4] *See* SMM's Letter, ''Antidumping Duty Investigation of Sodium Sulfate Anhydrous from Canada: Rebuttal Brief for SMMI,'' dated January 22, 2020.

[5] *See* Government of Canada's Letter, ''Rebuttal Brief of the Government of Canada,'' dated January 22, 2020.

[6] *See* Petitioners' Letter, ''Sodium Sulfate Anhydrous from Canada: Petitioners' Rebuttal Brief,'' dated January 22, 2020.

[7] *See* Hearing Transcript from Neal R. Gross and Co., Inc., dated March 6, 2020.

[8] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Sodium Sulfate Anhydrous from Canada and Final Negative Determination of Critical Circumstances,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[9] *See* Memorandum, ''Verification of the Cost Response of Saskatchewan Mining and Minerals Inc. in the Antidumping Duty Investigation of Sodium Sulfate Anhydrous from Canada,'' dated December 10, 2019; *see also* Memorandum, ''Verification of the Sales Response of Saskatchewan Mining and Minerals Inc. in the Antidumping Investigation of Sodium Sulfate from Canada,'' dated January 9, 2020.

verification, including SMM's inland freight variances. We modified the build-up of home-market and U.S. movement expenses (USMOVE) includes all freight expenses. In doing so, we also ensured that SMM's freight revenue reported in both markets is capped appropriately by the expenses associated with that same type of activity. In the final margin calculation program, we accounted for all reported U.S. billing adjustments and included repacking expenses in the build-up of home-market packing expenses. Finally, we incorporated the revised cost figures into the program for the final determination.

Final Negative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, Commerce preliminarily finds that critical circumstances do not exist for SMM or for all other producers and exporters. For a full description of the methodology and results of Commerce's critical circumstances analysis, *see* the Issues and Decision Memorandum.

All-Others Rate

As discussed in the *Preliminary Determination,* Commerce calculated an individual estimated weighted-average dumping margin for SMM, the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for SMM is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/Manufacturer	Weighted-average dumping margins (percent)
Saskatchewan Mining and Minerals Inc	8.89
All Others	8.89

Disclosure

Commerce intends to disclose the calculations performed in connection with this final determination within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) and (C) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue the suspension of liquidation of all appropriate entries of sodium sulfate from Canada, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after November 8, 2019, the date of publication of the *Preliminary Determination* of this investigation in the **Federal Register**. Because Commerce preliminarily did not determine the existence of critical circumstances, no retroactive liquidation by CBP prior to November 8, 2019, is necessary.

Pursuant to section 735(c)(1)(B)(ii) of the Act, we will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin in the table above as follows: (1) The cash deposit rate for the respondent listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of sodium sulfate from Canada no later than 75 days after our final determination. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and cash deposits will be refunded. If the ITC determines that such injury exists, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed in the ''Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition 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 the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: March 23, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The scope of this investigation covers sodium sulfate (Na2SO4) (Chemical Abstracts Service (CAS) Number 7757–82–6) that is anhydrous (*i.e.,* containing no water), regardless of purity, grade, color, production method, and form of packaging, in which the percentage of particles between 20 mesh and 100 mesh, based on U.S. mesh series screens, ranges from 10–95% and the percentage of particles finer than 100 mesh, based on U.S. mesh series screens, ranges from 5–90%.

Excluded from the scope of this investigation are specialty sodium sulfate anhydrous products, which are products whose particle distributions fall outside the described ranges. Glauber's salt (Na2SO4·10H2O), also known as sodium sulfate decahydrate, an intermediate product in the production of sodium sulfate anhydrous that has no known commercial uses, is not included within the scope of the investigation, although some end-users may mistakenly refer to sodium sulfate anhydrous as Glauber's salt. Other forms of sodium sulfate that are hydrous (*i.e.,* containing water) are also excluded from the scope of the investigation.

The merchandise subject to this investigation is classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2833.11.5010. Subject merchandise may also be classified under 2833.11.1000, 2833.11.5050, and 2833.19.0000. Although the HTSUS subheadings and CAS registry number are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2020–06547 Filed 3–27–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–892]

Forged Steel Fittings From India: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of forged steel fittings from India for the period of investigation January 1, 2018 through December 31, 2018. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable March 30, 2020.

FOR FURTHER INFORMATION CONTACT: Lauren Caserta, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on November 21, 2020.[1] On January 10, 2020, Commerce postponed the preliminary determination of this investigation and the revised deadline is now March 23, 2020.[2] For a complete description of the events that followed the initiation of this investigation, see the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation are forged steel fittings from India. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* For a summary of the product coverage comments submitted to the record for this preliminary determination, and accompanying discussion and analysis of all comments timely received, *see* the Preliminary Decision Memorandum. Commerce is preliminarily modifying the scope language as it appeared in the *Initiation Notice. See* revised scope in Appendix I.

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[6]

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final CVD determination in this investigation with the final determination in the companion AD investigation of forged steel fittings from India based on a request made by the petitioner.[7] Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled no later than August 3, 2020, unless postponed.[8]

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.

In this investigation, Commerce preliminarily calculated a rate for Shakti, the only participating respondent. The only rate that is not zero, *de minimis* or based entirely on facts otherwise available is the rate calculated for Shakti. Consequently, the rate calculated for Shakti is also assigned as the rate for all other producers and exporters.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

[1] *See Forged Steel Fittings from India and the Republic of Korea: Initiation of Countervailing Duty Investigation,* 84 FR 64270 (November 21, 2019) (*Initiation Notice*).

[2] *See Forged Steel Fittings from India: Postponement of Preliminary Determination in the Countervailing Duty Investigation,* 85 FR 1300 (January 10, 2020).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Countervailing Duty Investigation of Forged Steel Fittings from India,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[5] *See Initiation Notice.*

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[7] *See* Petitioners' Letter, ''Forged Steel Fittings from India: Request for Alignment,'' dated March 5, 2020.

[8] *See Forged Steel Fittings from India and the Republic of Korea: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 85 FR 11965 (February 28, 2020).

Company	Subsidy rate *Ad Valorem*
Shakti Forge Industries Pvt. Ltd. and Shakti Forge (collectively, Shakti)	2.65%
Nikoo Forge Pvt. Ltd., Pan International, Patton International Limited, Sage Metals Limited, Kirtanlal Steel Private Limited, Disha Auto Components Private Limited, Dynamic Flow Products, Sara Sae Private Limited, and Parveen Industries Private Limited	284.91%
All Others	2.65%

Suspension of Liquidation

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(l) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

International Trade Commission Notification

In accordance with section 703(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: March 23, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is carbon and alloy forged steel fittings, whether unfinished (commonly known as blanks or rough forgings) or finished. Such fittings are made in a variety of shapes including, but not limited to, elbows, tees, crosses, laterals, couplings, reducers, caps, plugs, bushings, unions (including hammer unions), and outlets. Forged steel fittings are covered regardless of end finish, whether threaded, socket-weld or other end connections. The scope includes integrally reinforced forged branch outlet fittings, regardless of whether they have one or more ends that is a socket welding, threaded, butt welding end, or other end connections.

While these fittings are generally manufactured to specifications ASME B16.11, MSS SP–79, MSS SP–83, MSS–SP–97, ASTM A105, ASTM A350 and ASTM A182, the scope is not limited to fittings made to these specifications.

The term forged is an industry term used to describe a class of products included in applicable standards, and it does not reference an exclusive manufacturing process. Forged steel fittings are not manufactured from casings. Pursuant to the applicable standards, fittings may also be machined from bar stock or machined from seamless pipe and tube.

All types of forged steel fittings are included in the scope regardless of nominal pipe size (which may or may not be expressed in inches of nominal pipe size), pressure class rating (expressed in pounds of pressure, *e.g.,* 2,000 or 2M; 3,000 or 3M; 6,000 or 6M; 9,000 or 9M), wall thickness, and whether or not heat treated.

Excluded from this scope are all fittings entirely made of stainless steel. Also excluded are flanges, nipples, and all fittings that have a maximum pressure rating of 300 pounds per square inch/PSI or less.

Also excluded from the scope are fittings certified or made to the following standards, so long as the fittings are not also manufactured to the specifications of ASME B16.11, MSS SP–79, MSS SP–83, MSS SP–97, ASTM A105, ASTM A350 and ASTM A182:

- American Petroleum Institute (API) 5CT, API 5L, or API 11B;
- American Society of Mechanical Engineers (ASME) B16.9;
- Manufacturers Standardization Society (MSS) SP–75;
- Society of Automotive Engineering (SAE) J476, SAE J514, SAE J516, SAE J517, SAE J518, SAE J1026, SAE J1231, SAE J1453, SAE J1926, J2044 or SAE AS 35411;
- Hydraulic hose fittings (*e.g.,* fittings used in high pressure water cleaning applications, in the manufacture of hydraulic engines, to connect rubber dispensing hoses to a dispensing nozzle or grease fitting) made to ISO 12151–1, 12151–2, 12151–3, 12151–4, 12151–5, or 12151–6;
- Underwriter's Laboratories (UL) certified electrical conduit fittings;
- ASTM A153, A536, A576, or A865;
- Casing conductor connectors made to proprietary specifications;
- Machined steel parts (*e.g.,* couplers) that are not certified to any specifications in this scope description and that are not for connecting steel pipes for distributing gas and liquids;
- Oil country tubular goods (OCTG) connectors (*e.g.,* forged steel tubular connectors for API 5L pipes or OCTG for offshore oil and gas drilling and extraction);
- Military Specification (MIL) MIL–C–4109F and MIL–F–3541; and
- International Organization for Standardization (ISO) ISO6150–B.

To be excluded from the scope, products must have the appropriate standard or pressure markings and/or be accompanied by documentation showing product compliance to the applicable standard or pressure, *e.g.,* ''API 5CT'' mark and/or a mill certification report.

[9] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

Subject carbon and alloy forged steel fittings are normally entered under Harmonized Tariff Schedule of the United States (HTSUS) 7307.92.3010, 7307.92.3030, 7307.92.9000, 7307.99.1000, 7307.99.3000, 7307.99.5045, and 7307.99.5060. They may also be entered under HTSUS 7307.93.3010, 7307.93.3040, 7307.93.6000, 7307.93.9010, 7307.93.9040, 7307.93.9060, and 7326.19.0010.

The HTSUS subheadings and specifications are provided for convenience and customs purposes; the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2020–06548 Filed 3–27–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Federal Consistency Appeal by WesternGeco of South Carolina Objection

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of stay—closure of administrative appeal decision record.

SUMMARY: This announcement provides notice that the Department of Commerce (Department) has stayed, for a period of 14 days, closure of the decision record in an administrative appeal filed by WesternGeco (Appellant) under the Coastal Zone Management Act, requesting that the Secretary override an objection by the South Carolina Department of Health and Environmental Control to a consistency certification for a proposed project to conduct a marine Geological and Geophysical seismic survey in the Atlantic Ocean.

DATES: The decision record for WesternGeco's Federal Consistency Appeal of South Carolina's objection will now close on April 13, 2020.

ADDRESSES: NOAA has provided access to publicly available materials and related documents comprising the appeal record on the following website: *http://www.regulations.gov/#!docketDetail;D=NOAA-HQ-2019-0118.*

FOR FURTHER INFORMATION CONTACT: For questions about this Notice, contact Jonelle Dilley, NOAA Office of General Counsel, Oceans and Coasts Section, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910, (301) 713–7383, *jonelle.dilley@noaa.gov.*

SUPPLEMENTARY INFORMATION: On September 20, 2019, the Secretary of Commerce (Secretary) received a ''Notice of Appeal'' filed by WesternGeco pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.,* and implementing regulations found at 15 CFR part 930, subpart H. The ''Notice of Appeal'' is taken from an objection by the South Carolina Department of Health and Environmental Control to a consistency certification for a proposed project to conduct a marine Geological and Geophysical seismic survey in the Atlantic Ocean. This matter constitutes an appeal of an ''energy project'' within the meaning of the CZMA regulations, *see* 15 CFR 930.123(c).

Under the CZMA, the Secretary may override South Carolina's objection on grounds that the project is consistent with the objectives or purposes of the CZMA, or is necessary in the interest of national security. To make the determination that the proposed activity is ''consistent with the objectives or purposes of the CZMA,'' the Department must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the applicable coastal management program. 15 CFR 930.121. To make the determination that the proposed activity is ''necessary in the interest of national security,'' the Secretary must find that a national defense or other national security interest would be significantly impaired if the proposed activity is not permitted to go forward as proposed. 15 CFR 930.122.

The Secretary must close the decision record in a Federal consistency appeal 160 days after the Notice of Appeal is published in the **Federal Register**. 15 CFR 930.130(a)(1). However, the CZMA authorizes the Secretary to stay closing the decision record for up to 60 days when the Secretary determines it necessary to receive, on an expedited basis, any supplemental information specifically requested by the Secretary to complete a consistency review or any clarifying information submitted by a party to the proceeding related to information in the consolidated record compiled by the lead Federal permitting agency. 15 CFR 930.130(a)(2), (3).

After reviewing the decision record developed to date, the Secretary has decided to solicit supplemental and clarifying information from the parties pertaining to the withholding of certain information as proprietary. In order to allow receipt of this information, the Secretary hereby stays closure of the decision record, currently scheduled to occur on March 30, 2020, until April 13, 2020.

NOAA has provided access to publicly available materials and related documents comprising the appeal record on the following website: *http://www.regulations.gov/#!docketDetail;D=NOAA-HQ-2019-0118.*

Authority Citation: 15 CFR 930.130(a)(2), (3).

Adam Dilts,

Chief, Oceans and Coasts Section, NOAA Office of General Counsel.

[FR Doc. 2020–06422 Filed 3–27–20; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RTID 0648–XA082

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of cancellation of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) has cancelled a public meeting of its Groundfish Advisory Panel that was scheduled for Thursday, April 2, 2020.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The original meeting notice published in the **Federal Register** on March 17, 2020 (85

FR 15115). The meeting will be rescheduled at a later dated and announced in the **Federal Register.**

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

Dated: March 25, 2020.

Tracey L. Thompson,

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

[FR Doc. 2020–06524 Filed 3–27–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Federal Consistency Appeal by WesternGeco of North Carolina Objection

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of closure—administrative appeal decision record.

SUMMARY: This announcement provides notice that the decision record has closed for an administrative appeal filed with the Department of Commerce (Department) by WesternGeco requesting that the Secretary of Commerce (Secretary) override an objection by the North Carolina Division of Coastal Management to a consistency certification for a proposed project to conduct a marine Geological and Geophysical seismic survey in the Atlantic Ocean.

DATES: The decision record for WesternGeco's Federal consistency appeal of North Carolina's objection closed on March 30, 2020.

ADDRESSES: NOAA has provided access to publicly available materials and related documents comprising the appeal record on the following website: *http://www.regulations.gov/#!docketDetail;D=NOAA-HQ-2019-0089.*

FOR FURTHER INFORMATION CONTACT: For questions about this Notice, contact Martha McCoy, NOAA Office of General Counsel, Oceans and Coasts Section, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910, (301) 713–7391, *martha.mccoy@noaa.gov.*

SUPPLEMENTARY INFORMATION: On September 20, 2019, the Secretary received a ''Notice of Appeal'' filed by WesternGeco pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.,* and implementing regulations found at 15 CFR part 930, subpart H. The ''Notice of Appeal'' is taken from an objection by the North Carolina Division of Coastal Management to a consistency certification for a proposed project to conduct a marine Geological and Geophysical seismic survey in the Atlantic Ocean. This matter constitutes an appeal of an ''energy project'' within the meaning of the CZMA regulations, *see* 15 CFR 930.123(c).

Under the CZMA, the Secretary may override the North Carolina Division of Coastal Management's objection on grounds that the project is consistent with the objectives or purposes of the CZMA, or is necessary in the interest of national security. To make the determination that the proposed activity is ''consistent with the objectives or purposes of the CZMA,'' the Department must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the applicable coastal management program. 15 CFR 930.121. To make the determination that the proposed activity is ''necessary in the interest of national security,'' the Secretary must find that a national defense or other national security interest would be significantly impaired if the proposed activity is not permitted to go forward as proposed. 15 CFR 930.122.

The Secretary must close the decision record in a Federal consistency appeal 160 days after the Notice of Appeal is published in the **Federal Register**. 15 CFR 930.130(a)(1). However, the CZMA authorizes the Secretary to stay closing the decision record for up to 60 days when the Secretary determines it necessary to receive, on an expedited basis, any supplemental information specifically requested by the Secretary to complete a consistency review or any clarifying information submitted by a party to the proceeding related to information in the consolidated record compiled by the lead Federal permitting agency. 15 CFR 930.130(a)(2), (3).

Consistent with the above schedule, the decision record for WesternGeco's Federal consistency appeal of North Carolina's objection closed on March 30, 2020. No further information or briefs will be considered in deciding this appeal.

NOAA has provided access to publicly available materials and related documents comprising the appeal record on the following website: *http://www.regulations.gov/#!docketDetail;D=NOAA-HQ-2019-0089.*

(Authority Citation: 15 CFR 930.130(a))

Adam Dilts,

Chief, Oceans and Coasts Section, NOAA Office of General Counsel.

[FR Doc. 2020–06424 Filed 3–27–20; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Science Advisory Board

AGENCY: 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 the meeting of the Science Advisory Board (SAB). The members will discuss issues outlined in the section on Matters to be considered.

DATES: The meeting is scheduled for April 14, 2020 from 1:00 p.m. to 4:00 p.m. Eastern Standard Time (EST) and April 15, 2020 from 1:00 p.m. to 4:15 p.m. EST. This time and the agenda topics described below are subject to change.

For the latest agenda please refer to the SAB website: *http://sab.noaa.gov/SABMeetings.aspx.*

ADDRESSES: This will be a webinar meeting. The link for the webinar registration for the April 14–15, 2020 meeting may be found here: *https://attendee.gotowebinar.com/register/8446468520392398605.*

FOR FURTHER INFORMATION CONTACT: Dr. Cynthia Decker, Executive Director, SSMC3, Room 11230, 1315 East-West Hwy., Silver Spring, MD 20910; Phone Number: 301–734–1156; Email: *Cynthia.Decker@noaa.gov;* or visit the SAB website at *http://sab.noaa.gov/SABMeetings.aspx.*

SUPPLEMENTARY INFORMATION: The NOAA Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997, and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on strategies for research, education, and application of science to operations and information services. SAB activities and advice provide necessary input to ensure that National Oceanic and Atmospheric Administration (NOAA) science programs are of the highest quality and

provide optimal support to resource management.

Status: The April 14–15, 2020 meeting will be open to public participation with a 15-minute public comment period on April 14 at 3:45 p.m. EST. The SAB expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three minutes. Written comments for the April 14–15, 2020 meeting should be received in the SAB Executive Director's Office by April 1, 2020 to provide sufficient time for SAB review. Written comments received by the SAB Executive Director after this dates will be distributed to the SAB, but may not be reviewed prior to the meeting date.

Matters to be Considered: The meeting on April 14–15, 2020 will include the (1) NOAA Priorities; (2) NOAA Artificial Intelligence Strategic Plan and AI Center; (3) Update on NOAA 'Omics and eDNA Strategic Plan; (4) NOAA Tsunami Program; (5) Discussion of the SAB Tsunami Science and Technology Advisory Panel; (6) Update on the Earth Prediction Innovation Center (EPIC); and (7) Discussion of the SAB Work Plan. Meeting materials, including work products, will be made available on the SAB website: *http://sab.noaa.gov/SABMeetings.aspx.*

Dated: March 20, 2020.

David Holst,

Director, Chief Financial Officer/CAO, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2020–06551 Filed 3–27–20; 8:45 am]

BILLING CODE 3510–K0–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RTID 0648–XA083

New England Fishery Management Council; Public Meeting; Cancellation

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

ACTION: Notice of cancellation of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) has cancelled a public meeting of its Groundfish Committee that was scheduled for Friday, April 3, 2020.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The original meeting notice published in the **Federal Register** on March 17, 2020 (85 FR 15124). The meeting will be rescheduled at a later dated and announced in the **Federal Register**.

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

Dated: March 25, 2020.

Tracey L. Thompson,

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

[FR Doc. 2020–06521 Filed 3–27–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA096]

Marine Mammals; File No. 21418

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the NMFS Alaska Fisheries Science Center's Marine Mammal Laboratory (MML), 7600 Sand Point Way NE, Seattle, WA 98115–6349 (Responsible Party: John Bengtson, Ph.D.), has applied in due form for a permit to import, export, and receive marine mammal parts for scientific research.

DATES: Written, telefaxed, or email comments must be received on or before April 29, 2020.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 21418 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. 21418 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan or Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant requests a five year permit for worldwide import, export, and receipt of biological samples from up to 100,000 cetaceans and 100,000 pinnipeds (excluding walrus) annually for scientific research. The objectives of the permitted research are to provide information on marine mammal biology, including stock structure, diet, reproduction, genetics, fatty acid composition, contaminants, and annual levels of marine mammal bycatch through the analysis of specimens. The foreign and domestic sources of samples may include animals in captivity, legal subsistence harvests, animals killed incidental to legal commercial fisheries, other authorized persons or collections, and animals stranded in foreign countries.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 24, 2020.

Julia Marie Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–06494 Filed 3–27–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XX042]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that a proposed exempted fishing permit contains all of the required information and warrants further consideration. This exempted fishing permit would allow midwater trawl Atlantic herring vessels to use electronic monitoring, coupled with portside sampling, in lieu of at-sea monitoring to satisfy their industry-funded monitoring requirements during 2020—2021. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed exempted fishing permits.

DATES: Comments must be received on or before April 14, 2020.

ADDRESSES: You may submit written comments by either of the following methods:

- *Email: nmfs.gar.efp@noaa.gov.* Include in the subject line ''HERRING EM EFP.''
- *Mail:* Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''HERRING EM EFP.''

FOR FURTHER INFORMATION CONTACT: Maria Fenton, Fishery Management Specialist, 978–281–9196.

SUPPLEMENTARY INFORMATION:

Background

At its April 2018 meeting, the New England Fishery Management Council took final action on the New England Industry-Funded Monitoring (IFM) Omnibus Amendment and recommended a 50-percent coverage target for at-sea monitoring (ASM) coverage aboard vessels issued a Category A or B herring permit. This 50-percent coverage target includes a combination of Standardized Bycatch Reporting Methodology (SBRM) and IFM coverage. IFM coverage requirements may be waived on a trip-by-trip basis if monitoring coverage is unavailable, if vessels intend to land less than 50 mt of herring, or if vessels carry no fish on pair trawling trips (*i.e.,* wing vessels). The IFM Amendment also included a provision allowing midwater trawl vessels to purchase observer coverage in order to fish in Groundfish Closed Areas (GCA).

The New England Council reviewed the results from a midwater trawl electronic monitoring (EM) pilot study and concluded that a combination of EM and portside sampling was an appropriate substitute for ASM aboard midwater trawl vessels. The purpose of EM is to confirm catch retention and verify compliance with slippage restrictions. The purpose of portside sampling is to collect species composition data along with age and length information. However, rather than including EM and portside requirements in the IFM Amendment, the Council recommended that NMFS administer EM and portside sampling via an exempted fishing permit (EFP) for midwater trawl vessels during the first 2 years of IFM in the herring fishery.

Findings from the voluntary EM study, as well as analyses in the Environmental Assessment for the IFM Amendment, suggest that EM and portside sampling may be a more cost-effective monitoring option than at-sea monitors or observers for the herring fishery. Developing another permanent monitoring option for the herring fishery would give herring vessels additional flexibility to select the most cost-effective monitoring option for their fishing operations, which would help mitigate the negative economic impacts of recent reductions to the herring annual catch limits (ACL) and associated revenue. The Council is required to evaluate the effectiveness of IFM in the herring fishery 2 years after implementation of the amendment. Data collected through the EFP would provide NMFS and the Council with additional information about how to most effectively and efficiently administer an EM and portside sampling program for the herring fishery. Information learned through this EFP will also help evaluate the utility of EM and portside sampling to monitor fishing in GCAs, or to monitor midwater trawl vessels when they choose to fish with alternate gears (*i.e.,* purse seine, bottom trawl).

Project Description

The project period for this EFP would cover IFM years 2020–2021 (April 1, 2020—March 31, 2022), contingent upon availability of funds. Under this EFP, up to 12 midwater trawl vessels issued Category A or B herring permits would be required to run EM systems (video cameras and gear sensors) on 100 percent of declared herring trips. EM data from 50 percent of EFP trips would be selected for video review. Participating vessels would be required to run EM systems regardless of whether they are carrying an SBRM observer on trips that are selected for SBRM coverage. Participating vessels would be required to adhere to all normal reporting requirements, except as exempted through this EFP, and would also be required to submit electronic vessel trip reports (VTR) in lieu of paper VTRs. Participating vessels would be required to adhere to individual Vessel Monitoring Plans (VMP) when fishing under the EFP. Each vessel's VMP would outline the catch handling protocols and EM system configurations that the vessel would use while participating in the program. Vessels would not be permitted to fish under the EFP until they hold a NMFS-approved VMP.

NMFS contracted Saltwater Inc., as the EM service provider for this EFP during IFM year 2020. Vessels would be required to use Saltwater Inc., as the EM service provider when fishing under this EFP. The EM service provider would be responsible for developing VMPs for participating vessels and establishing standards for approving VMPs and equipment installations. The EM service provider would also be responsible for: Installing, maintaining, and uninstalling EM equipment on participating vessels; reviewing EM video footage; processing and annotating video and sensor data; generating EM data analysis summaries; and working with NMFS personnel to review program performance for refinement.

Participating vessels would primarily fish with midwater trawl gear on declared herring trips; however, some vessels may fish with alternate gears (*i.e.,* small-mesh bottom trawl, purse seine) under the EFP during the fishing year. Prior to the start of each year, participating vessels would be required to submit a fishing plan to the Principal Investigator (PI) and NMFS describing which gears they planned to fish with at what points during the year. Participating vessels would also be required to notify the PI and NMFS one month ahead of when they planned to switch gears. Allowing vessels to switch gears during the year will incentivize participation in the EFP by allowing vessels flexibility to maximize fishing

opportunities. Additionally, allowing midwater trawl vessels to fish with alternate gears on EFP trips would provide NMFS with preliminary information on using EM and portside sampling aboard herring vessels fishing with bottom trawl and purse seine gear. Participation in the EFP is not expected to lead to any shifts in effort that would not otherwise have occurred in the fishery.

Portside Sampling

Prior to any declared herring trip, representatives from vessels with Category A or B permits are required to follow the usual notification process for monitoring coverage. NMFS will notify the vessel representative if a trip is selected for SBRM or IFM coverage. Consistent with the Council-recommended 50-percent IFM coverage target for herring vessels, 50 percent of EFP trips would be selected for coverage. If selected for IFM coverage, participating vessels would be subject to portside sampling on the selected trip in lieu of hiring an at-sea monitor. If NMFS notifies a participating vessel that a trip has been selected for IFM coverage, that vessel would be required to procure portside sampling services from a NMFS-approved service provider. Consistent with the herring monitoring requirements at § 648.11(m)(1)(iv), the vessel would be prohibited from fishing for, taking, possessing, or landing any herring without procuring portside sampling services for that trip. Portside samplers would collect species composition data, along with age and length information.

Except as noted in the proposed exemptions below, when a trip is subject to portside sampling (selected for IFM coverage or paying for portside sampling in order to fish in a GCA), participating vessels would be required to comply with slippage prohibitions and consequence measures, and they would need to offload their catch at a NMFS-approved sampling station. Sampling station owners would be responsible for maintaining sampling stations according to NMFS safety standards. Portside samplers would complete a safety inspection upon arrival at each sampling station, prior to the start of an offload. If a station failed to meet all of the requirements outlined in the safety inspection checklist, the participating vessel would be issued a one-time waiver by the portside sampler to continue the offload and an explanation of the safety deficiency refusal. The portside sampler would also report the safety deficiency refusal to NMFS. If the original safety deficiency was not addressed within 48 hours of being reported to NMFS, participating vessels would not be permitted to continue offloading at that location on trips selected for portside sampling until the station had been brought into compliance.

Slippage Requirements

If a participating vessel were to slip catch on a trip selected for portside sampling, that vessel would be subject to all of the following consequence measures:

- The vessel operator must move at least 15 nautical miles (nm) (27.78 km) from the location of the slippage event before deploying any gear again, and must stay at least 15 nm (27.78 km) away from the slippage event location for the remainder of the fishing trip;
- The vessel operator must complete and sign a Released Catch Affidavit detailing: The vessel name and permit number; the VTR serial number; where, when, and for what reason the catch was released; the estimated weight of each species brought on board or released on that tow. A completed affidavit must be submitted to NMFS within 48 hours of the end of the trip; and
- The vessel operator must report slippage events on the herring daily Vessel Monitoring System catch report and indicate the reason for slipping catch.

Fishing Inside of Groundfish Closed Areas

To comply with the 100-percent monitoring coverage requirement when fishing inside a GCA, participating vessels would be authorized to use EM and portside sampling, in lieu of carrying a human observer, even if not selected for IFM or SBRM coverage. Portside sampling for a GCA trip would not count towards achieving the vessel's 50-percent coverage rate if the vessel was not selected for IFM or SBRM coverage.

Proposed Exemptions

General Exemptions for Participating Vessels

This EFP would exempt participating vessels from the IFM ASM coverage requirements at § 648.11(m)(1)(ii). This exemption would authorize participating vessels to use EM, coupled with portside sampling, to satisfy their IFM coverage requirements in lieu of carrying a human at-sea monitor.

Slippage Exemptions for Participating Vessels Fishing Outside of Groundfish Closed Areas

This EFP would also exempt participating vessels from the slippage definition at § 648.2 under certain circumstances. Participating vessels fishing outside of GCAs would be authorized to discard species that are not required to be kept (*i.e.,* does not include river herring, shad, haddock, or other groundfish) at the grate after sorting on a trip selected for portside sampling. These discards would not be considered slippage and would not trigger slippage consequence measures, and vessels would still be required to report them as discards. This exemption would not apply when vessels are fishing inside GCAs. When fishing inside GCAs, fish discarded at the grate after sorting would be considered slippage and would trigger slippage consequence measures. Feedback from industry suggests that only small quantities of fish are handpicked at the grate, so it is unlikely that this exemption would result in high volumes of fish being discarded prior to catch being sampled portside.

Vessels with observer or ASM coverage may discard fish at the grate after those fish are made available for sampling, and those discards are not considered slippage. However, fish discarded at the grate after sorting are considered slippage on vessels selected for portside sampling. This exemption would resolve operational differences resulting from the slippage definition and help create equity in vessel operations across gear and monitoring types. Additionally, NMFS is currently conducting a separate study investigating discarding at the grate after sorting on midwater trawl vessels. The vessels participating in that study are permitted to discard certain species at the grate after sorting, and those vessels would likely also participate in this EFP. This exemption would create consistency in catch handling practices between that study and this EFP, which would help minimize confusion for overlapping vessels and decrease the chances for accidental non-compliance with the EFP.

Exemptions for Participating Vessels Fishing Inside of Groundfish Closed Areas

This EFP would exempt participating vessels from the Northeast multispecies season and area restrictions at § 648.202(b)(1), and from the prohibition against fishing in a Northeast multispecies closed area without an observer on board at § 648.14(r)(2)(v). The EFP would authorize participating vessels to use EM and portside sampling in lieu of carrying a human observer when fishing in a GCA. Purchasing portside sampling coverage to fish in GCAs is expected to

be less expensive than purchasing observer coverage to fish in GCAs, so this exemption would provide an incentive for vessels to participate in the EFP. This exemption would also allow NMFS to assess the feasibility of using EM and portside sampling to monitor midwater trawl herring trips fished in GCAs.

This EFP would also exempt participating vessels from season and area restrictions at § 648.202(b)(2) and (4) when operationally discarding catch. The EFP would authorize participating vessels to operationally discard catch in GCAs without triggering the consequence measures described at § 648.202(b)(4). Operational discards in the herring fishery are defined as ''small amounts of fish that cannot be pumped on board and remain in the codend or seine at the end of pumping operations.'' Midwater trawl vessels are permitted to operationally discard outside of GCAs without triggering consequence measures, but not inside GCAs. This exemption would allow participating vessels to maintain operational consistency inside and outside of GCAs. This exemption would also allow NMFS to collect additional information on the frequency of operational discards in GCAs. This exemption would not undermine conservation objectives because participating vessels would be fully monitored on 100 percent of trips and would be fully accountable for their catch in GCAs.

If approved, project partners may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: March 25, 2020.

Hélène M.N. Scalliet,

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

[FR Doc. 2020–06542 Filed 3–27–20; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2019–0035]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Consumer Product Risk Reduction Valuation Study: Cognitive Interviews & Focus Groups

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required under the Paperwork Reduction Act of 1995 (PRA), the Consumer Product Safety Commission (CPSC) announces that CPSC has submitted to the Office of Management and Budget (OMB) a new proposed collection of information by the agency to conduct cognitive interviews and focus groups that will assess consumer comprehension of risk associated with consumer products. On December 30, 2019, the CPSC published a notice in the **Federal Register** announcing the agency's intent to seek approval of this collection of information. The CPSC received no comments in response to that notice. Therefore, by publication of this notice, the CPSC announces that it has submitted to the OMB a request for approval of this collection of information.

DATES: Submit written or electronic comments on the collection of information by May 29, 2020.

ADDRESSES: Submit comments about this request by email: *OIRA_submission@omb.eop.gov* or fax: 202–395–6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503. In addition, written comments that are sent to OMB also should be submitted electronically at *http://www.regulations.gov,* under Docket No. CPSC–2019–0035.

FOR FURTHER INFORMATION CONTACT: Bretford Griffin, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7037, or by email to: *BGriffin@cpsc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes cognitive interviews and focus groups.

A. Consumer Product Risk Reduction Valuation Study

CPSC is authorized under section 5(a) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2054(a), to conduct studies and investigations relating to the causes and prevention of deaths, accidents, injuries, illnesses, other health impairments, and economic losses associated with consumer products. Section 5(b) of the CPSA, 15 U.S.C. 2054(b), further provides that CPSC may conduct research, studies, and investigations on the safety of consumer products or test consumer products and develop product safety test methods and testing devices.

CPSC issues regulations to reduce the risk of fatal injuries or illnesses associated with the use of consumer products. To value reductions in the risk of fatalities, CPSC and other federal agencies rely on estimates of the value per statistical life (VSL), which are derived from research on individuals' willingness to pay (WTP), consistent with the conceptual framework for benefit-cost analysis. Most of the studies on which these estimates are based calculate WTP by evaluating tradeoffs made by workers in risky occupations, and thus, concentrate on certain populations (working-age males). However, the type of risks and populations that are addressed by CPSC regulations often involve children. Although there are a few completed studies that address the value of risk reductions that accrue to children, the available literature is limited and largely unrelated to the types of risks addressed by CPSC rulemakings.[1] Due to the absence of children from labor markets and the lack of observable market data, the majority of the studies employ stated preference methods. That method asks individuals, usually through questionnaires, the economic value that they attach to a perceived risk, based on constructed or hypothetical markets. Although the existing studies suggest

[1] *See, e.g.,* Alberini, A. and M. Ščasný. 2011. *Context and the VSL: Evidence from a Stated Preference Study in Italy and Czech Republic.* Environmental and Resource Economics, 49(4): 511–538; Gerking, S., M. Dickie, and M. Veronesi. 2014. *Valuation of Human Health: An Integrated Model of WTP for Mortality and Morbidity Risk Reductions.* Journal of Environmental Economics and Management, 68(1): 20–45; Hammitt, J.K. and K. Haninger. 2010. *Valuing Fatal Risk to Children and Adults: Effects of Disease, Latency and Risk Aversion.* Journal of Risk and Uncertainty, 40: 57–83; Hammitt, J.K. and D. Herrera. 2017. *Peeling Back the Onion: Using Latent Class Analysis to Uncover Heterogeneous Responses to Stated Preference Surveys.* Journal of Environmental Economics and Management, in press.

higher values for reducing risks to children than reductions to adults, they do not adequately determine the extent to which values for fatal risk reductions differ for adults versus children for risks associated with consumer products, nor do they adequately explain the level of respondent comprehension of relevant risk concepts.

CPSC seeks to conduct additional research to evaluate whether reductions in consumer product-related risks are valued differently when the beneficiary of the reduction is a child versus an adult. To assess comprehension of risk concepts, CPSC intends to conduct qualitative pretesting, in the form of cognitive interviews and focus groups, based on best practices used in stated-preference study design. CPSC will conduct an initial set of eight cognitive interviews aimed specifically at topics related to risk communication and risk comprehension from homeowners with at least one child under the age of 12. Based on the results of the initial cognitive interviews, CPSC will inform OMB of any changes that are made for conducting a subsequent set of focus groups. Those focus groups will consist of 40 respondents and 16 additional cognitive interviews that will query the respondents on fatal household risks related to consumer products. The interviews and focus groups are designed to assess respondents' comprehension of risk concepts and to inform the CPSC on the feasibility of developing a future survey instrument that will identify the best methods or approaches to communicate risk concepts related to consumer products.

B. Burden Hours

The estimated annual burden hours are as follows:

Activity	Number of responses	Estimated burden per respondent (hours)	Total burden (hours)
Cognitive Interviews I (Risk Communication and Comprehension)	8	1.5	12
Focus Group Sessions (Household Risks and Consumer Products)	40	2	80
Cognitive Interviews II (Household Risks and Consumer Products)	16	1.5	24
Total			116

We estimate the total annual dollar value of this collection to be $4,265. This estimate is based on an average of $36.77/hr. compensation, including benefits, from the National Compensation Survey published by the Bureau of Labor Statistics (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation by ownership,'' Dec. 2018, Table 1, total compensation for civilian workers: *http://www.bls.gov/ncs/*). The total cost to the federal government for the contract to design and conduct the proposed survey is $117,458.

C. Submission to OMB

Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. On December 30, 2019, the CPSC published a notice in the **Federal Register** announcing the agency's intent to seek approval of this collection of information (84 FR 71902). The CPSC received no comments in response to that notice. Therefore, by publication of this notice, the CPSC announces that it has submitted to the OMB a request for approval of this collection of information.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2020–06514 Filed 3–27–20; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Prepare a Legislative Environmental Impact Statement and Notice of Cancellation of Scoping Meetings for the Proposed Extension of the Military Land Withdrawal at Barry M. Goldwater Range, Arizona

AGENCY: Department of the Air Force and United States Marine Corps, Department of Defense.

ACTION: Amended notice of intent.

SUMMARY: The United States Air Force (USAF) (co-lead agency), in coordination with the United States Marine Corps (USMC) (co-lead agency), is issuing this amended notice to advise the public of the continuing intent to prepare a Legislative Environmental Impact Statement (LEIS) for the proposed extension of the Barry M. Goldwater Range (BMGR) land withdrawal and reservation in Arizona. The LEIS will also address a proposal to withdrawal approximately 2,366 acres of additional public land adjacent to Gila Bend Air Force Auxiliary Airfield to enhance the security and safety of flight operations at the airfield. However, as a direct result of the National Emergency declared by the President on Friday, March 13, 2020, in response to the coronavirus (COVID–19) pandemic in the United States and the Center for Disease Control's recommendations for social distancing and avoiding large public gatherings, the Air Force is now canceling five public scoping meetings between April 9, 2020 and April 30, 2020. In lieu of the public scoping meetings, the Air Force will use the alternative means set forth below to inform the public and stakeholders and to obtain input for scoping the proposed action.

ADDRESSES: Information on the BMGR land withdrawal and the LEIS process can be accessed at the project website at *www.barry-m-goldwater-leis.com.* The project website can also be used to submit comments. In the alternative, interested persons may submit written comments by mail or email. For those who do not have ready access to a computer or the internet, the scoping-related materials posted to the website will be made available upon request by mail or phone. Inquiries, requests for scoping-related materials, and comments regarding the USAF/USMC proposal may be submitted by mail to BMGR Land Withdrawal LEIS, P.O. Box 2324, Phoenix, AZ 85003, or email to *BMGR_LEIS@jacobs.com,* or by phone to Mr. Jon Haliscak at 210–395–0615.

Written scoping comments will be accepted at any time during the environmental impact analysis process up until the public release of the Draft EIS. However, to ensure the Air Force and Marine Corps have sufficient time to consider public input in the preparation of the Draft LEIS, scoping comments must be submitted to the website or mailed to one of the

addresses listed above no later than June 3, 2020.

SUPPLEMENTARY INFORMATION: The current BMGR land withdrawal and reservation expires in October 2024. In accordance with the Military Lands Withdrawal Act of 1999, the USAF and USMC have notified Congress of a continuing military need for the BMGR. National defense land withdrawal applications have been prepared and submitted to the Bureau of Land Management (BLM) in accordance with the Federal Land Policy and Management Act of 1976.

Purpose and Need for the Proposed Action: The purpose of extending the BMGR land withdrawal and reservation is to retain one of the nation's premier ranges for training tactical air-combat aircrews and other military personnel to fight, survive, and win in the air-ground battlespace, including development and testing of tactics. The readiness of air and ground forces is dependent on the quantity and quality of tactics development/testing and training that warfighters receive, which, in turn, is reliant on the capacities and capabilities of the ranges available to support their training. The BMGR's attributes of favorable location and flying weather, suitable land and airspace, diverse terrain, and developed training support facilities make it one of the most capable and productive tactical aviation ranges available to U.S. forces, and critical to supporting essential training both now and into the foreseeable future.

Description of the Proposed Action and Alternatives: The LEIS will analyze various alternatives for extending authorization for the BMGR. Preliminary alternatives have been developed. Comments received during scoping may result in changes or additions to these alternatives.

Alternative 1 would reauthorize the existing land withdrawal and management of BMGR for another 25 years. The USAF and USMC would continue to manage the withdrawn public lands in BMGR East and BMGR West, respectively. The USAF and USMC, through the Offices of the Secretary of the Air Force (SECAF) and Secretary of the Navy (SECNAV), would continue to consult with the Secretary of the Department of the Interior (SECDOI) before using the BMGR for non-reserved purposes. The existing boundary and land area of the BMGR, which encompasses approximately 1,733,921 acres, would not change. Alternative 1A would implement Alternative 1 except the period of withdrawal would be for another 50 years. Alternative 1B would implement Alternative 1 except the withdrawal would be for an indefinite period until the BMGR is no longer needed by the USAF and USMC. Alternative 1C would permanently transfer administrative jurisdiction of the lands comprising BMGR East and BMGR West to SECAF and SECNAV, respectively. Alternative 2 would reauthorize the existing land withdrawal and management of BMGR for another 25 years, but the BMGR East boundary would be extended to include the Gila Bend Addition, an area contiguous to and south of the Gila Bend Air Force Auxiliary Field that consists of approximately 2,366 acres of federal public land. USAF and USMC would continue to manage the withdrawn public lands in BMGR East and BMGR West, respectively. The SECAF and SECNAV would continue to consult with the SECDOI before using the BMGR for non-reserved purposes. Alternative 2A would implement Alternative 2 except the period of withdrawal would be for another 50 years. Alternative 2B would implement Alternative 2 except the withdrawal would be for an indefinite period until the BMGR is no longer needed by the USAF and USMC. Alternative 2C would permanently transfer administrative jurisdiction of the lands comprising BMGR East and the Gila Bend Addition to SECAF and BMGR West to SECNAV. The No Action alternative would consist of Congress not extending the land withdrawal, and the current land withdrawal and reservation would expire in October 2024. Military training and testing use of the range surface would end, including missions involving live-fire use of air-to-air, air-to-ground, ground-to-ground, or ground-to-air munitions. If Congress declines to extend the withdrawal and reservation of the BMGR, responsibility for the formerly withdrawn public lands in the BMGR would revert to Department of the Interior.

Brief Summary of Expected Impacts: The LEIS will consider potential impacts to land use, airspace, safety, noise, hazardous materials and waste, earth resources, water resources, air quality, transportation, wilderness and wilderness study areas, cultural resources, biological resources, socioeconomics, environmental justice, and any additional resources or alternatives identified through the scoping process.

Scoping and Agency Coordination: The scoping process will be used to involve the public early in the planning and development of the EIS, to help identify issues to be addressed in the environmental analysis. To effectively define the full range of issues and concerns to be evaluated in the LEIS, the USAF and USMC are soliciting scoping comments from interested local, state, and federal agencies, Native American tribes, and interested members of the public. As a direct result of the National Emergency declared by the President on Friday, March 13, 2020, in response to the coronavirus (COVID–19) pandemic in the United States and the Center for Disease Control's recommendations for social distancing and avoiding large public gatherings, the Air Force has canceled the five public scoping meetings previously scheduled to occur between April 9, 2020 and April 30, 2020. This amended notice of intent cancelling the five previously scheduled public scoping meetings will also be published in the *Arizona Daily Star* (Tucson), *Ajo Copper News, Gila Bend Sun, Arizona Republic* (Phoenix metropolitan area), *Casa Grande Dispatch, The Glendale Star, Yuma Sun, Baja El Sol* (Yuma), *La Voz* (Phoenix), and *The Runner* (Tohono O'odham Nation) newspapers.

Adriane Paris,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2020–06568 Filed 3–27–20; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID USAF–2020–HQ–0002]

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force (AF), Department of Defense (DoD).

ACTION: Notice of a modified System of Records.

SUMMARY: The AF is modifying the System of Records titled, ''Telecommunications Notification System,'' F010 AFSPC A. This System of Records will become the DoD ''Enterprise Mass Warning and Notification System (EMWNS),'' DCIO 02 DoD. The DoD seeks to implement a system to quickly send alert notifications to Active Duty, Reserve, and National Guard personnel, dependents, DoD civilians, and contractors in an emergency event. The system efficiently notifies and communicates critical safety information to personnel located both on and off military locations. The system enables respondents to communicate with their respective

chains of command to account for themselves during emergency events.

DATES: This System of Records modification is effective upon publication; however, comments on the Routine Uses will be accepted on or before April 29, 2020. The Routine Uses are effective at the close of the comment period.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: https://www.regulations.gov.*

Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *https://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Cynthia B. Stanley, Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700, or by phone at (703) 571–0070.

SUPPLEMENTARY INFORMATION: Responding to the need for an enterprise-wide communication solution after the 2015 shooting in Chattanooga, TN, the DoD merged over 100 contracts together to facilitate the creation of a single system to provide a more cost-efficient, effective and rapid emergency communication capability. Critical parts of the EMWNS are designated as a National Security System. The entire system is designed to maintain high dependability and availability for the purpose of operational readiness during times of crisis.

The system notifies personnel of critical, time-sensitive communications through installation loud speakers (Giant Voice), government computers and phones, and mobile devices (government issued and personal). Implementing the EMWNS across the DoD provides a consistent, reliable communication system to ensure critical messaging during emergencies.

The EMWNS has two key capabilities. The first capability is to deliver reliable and secure emergency notifications to all personnel at all DoD locations 24 hours per day. The second capability is to account for personnel during a crisis by providing a platform for respondents to reply to the notifications and account for themselves in an emergency situation. The EMWNS also provides a duress capability through the mobile application as a measure of protection for recruiters and those personnel located at satellite locations away from military installations.

The DoD notices for Systems of Records subject to the Privacy Act of 1974, as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy, Civil Liberties, and Transparency Division website at *https://dpcld.defense.gov.*

The proposed systems reports, as required by the Privacy Act, as amended, were submitted on March 24, 2020, to the House Committee on Oversight and Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to Section 6 of OMB Circular No. A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' revised December 23, 2016 (December 23, 2016, 81 FR 94424).

Dated: March 25, 2020.

Morgan E. Park,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER

Enterprise Mass Warning and Notification System (EMWNS), DCIO 02 DoD

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Defense Information System Agency (DISA), 8705 Industrial Boulevard, Tinker Air Force Base, OK 73145–336; Space and Naval Warfare Systems Center, 53560 Hull Street, San Diego, CA 92152–5001; and DoD Azure Cloud environment, 9 Eglin St, Hanscom Air Force Base, MA 01731–2100.

SYSTEM MANAGER(S):

Emergency Management Action Officer, Headquarters, Department of the Army, 400 Army Pentagon, Washington, DC 20310–0400.

Program Manager, C3I Infrastructure Division, Hanscom Air Force Base, MA 01731–2100, (781) 225–4319, *aflcmc.hnii.EMWNS@us.af.mil.*

Commander, Navy Installations Command, 716 Sicard Street SE Building 111, Washington Navy Yard, DC 20388–0001.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 113, Secretary of Defense, 5 U.S.C. 7902, Safety Programs; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; DoDD 5124.02, Under Secretary of Defense for Personnel and Readiness (USD (P&R); DoDI 3020.42, Defense Continuity Plan Development; DoDI 3020.52, DoD Installation Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive (CBRNE) Preparedness Standards; DoD Instruction 6055.17, DoD Emergency Management (EM) Program.

PURPOSE(S) OF THE SYSTEM:

An overarching part of the DoD mission is to ensure the protection and safety of DoD personnel and DoD affiliated personnel. The EMWNS is a robust communication system that provides text and voice notifications to both hard-wired and electronic devices. The system integrates with DoD installation Giant Voice loudspeakers to broadcast sound alerts. The EMWNS is an enterprise solution for the DoD to notify and receive accountability information from personnel during emergencies. Additionally, the system supports a ''duress'' function through the mobile application. This function provides specific users, such as DoD recruiters, a means to alert local command and control units of safety threats.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty, Reserve, and National Guard personnel, dependents, DoD civilians, and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, DoD ID Number, Grade/Rank, Office/unit name, physical office location (building number), phone numbers (work, home, and mobile), and email addresses (work and personal). If the mobile application is downloaded and location data is turned on, Global Positioning System (GPS) data will be temporarily collected and stored when a user initiates the duress function.

RECORD SOURCE CATEGORIES:

Individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C

552a(b) of the Privacy Act of 1974, as amended, the records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

a. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government when necessary to accomplish an agency function related to this System of Records.

b. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

c. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

d. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

e. To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

f. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

g. To appropriate agencies, entities, and persons when (1) the DoD suspects or confirms a breach of the System of Records; (2) the DoD determines as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

h. To another Federal agency or Federal entity, when the DoD determines information from this System of Records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper and electronic.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

The system will retrieve data to send alerts to specific devices. GPS locator data may be collected when a user institutes a duress alert and only during that specific emergency event.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

EMWNS GPS Data: Destroy immediately after the notification.

EMWNS locator or personnel data (cards, machine listings, rosters and comparable data): Destroy when no longer needed.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Appointed and trained operators may access the system data. Access to the records is limited to person(s) responsible for servicing the records in performance of their official duties. These responsible individuals are properly screened and have a need-to-know of the system information. Records are stored in encrypted databases and are only accessible on DoD networks. The system uses Secured Sockets Layer (SSL) with Public Key Infrastructure (PKI) certificates in the data transfer protocols for encryption. Access to computerized data is restricted by Common Access Card (CAC). In addition, data is encrypted at rest and in transit. Authorized system operators with CACs may access the underlying system application. CAC authentication is required for users (recipients of notifications) to update their contact information and other personal data via a desk top computer. Users may only access their own data and may not access or see other individuals' data.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this System of Records should address written inquiries to the Office of the Secretary of Defense/Joint Staff Freedom of Information Act Request Service Center, 1150 Defense Pentagon, Washington, DC 20301–1150. For verification purposes, individuals should provide their full name, DoD ID Number, System of Records Notice identification number, and any details which may assist in locating records and their signature. In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

CONTESTING RECORD PROCEDURES:

The DoD rules for accessing records, contesting contents, and appealing initial agency determinations are contained in 32 CFR part 310, or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether information about themselves is contained in this System of Records at any AF installation should address written inquiries to the Office of the Secretary of Defense/Joint Staff Freedom of Information Act Requester Service Center, 1150 Defense Pentagon, Washington, DC 20301–1150. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: ''I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).''

If executed within the United States, its territories, possessions, or commonwealths: ''I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).''

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

May 1, 2014, 79 FR 24688.

[FR Doc. 2020–06526 Filed 3–27–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards: Rehabilitation Long-Term Training Program—Vocational Rehabilitation Counseling

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The mission of the Office of Special Education and Rehabilitative Services (OSERS) is to improve early childhood, educational, and employment outcomes and raise expectations for all people with disabilities, their families, their communities, and the Nation. The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2020 for the Rehabilitation Long-Term Training program, Catalog of Federal Domestic Assistance (CFDA) number 84.129B. The Long-Term Training program will provide training in Rehabilitation Counseling. Projects funded under the Rehabilitation Long-Term Training competition must meet rigorous standards in order to provide rehabilitation professionals the knowledge, skills, and qualifications necessary to meet the current challenges facing State vocational rehabilitation (VR) agencies and related agencies and to assist youth and adults with disabilities in achieving competitive integrated employment outcomes and independent living. This priority fosters collaboration between education providers and employers and partnerships with one or multiple local or State entities to help meet the goals of the project. This notice relates to the approved information collection under OMB control number 1820–0018.

DATES:

Applications Available: March 30, 2020.

Deadline for Transmittal of Applications: May 14, 2020.

Date of Pre-Application Meeting: The Office of Special Education and Rehabilitative Services (OSERS) will post a PowerPoint presentation that provides general information related to RSA's discretionary grant competitions and a PowerPoint presentation specifically related to this Rehabilitation Long-Term Training program—Vocational Rehabilitation Counseling competition at *https://ncrtm.ed.gov/RSAGrantInfo.aspx.* OSERS will conduct a pre-application meeting specific to this competition via conference call in order to respond to questions on April 21, 2020 at 2:00 p.m. Eastern time. OSERS invites you to send questions to *84.129B@ed.gov* in advance of the pre-application meeting. The teleconference information, including the 84.129B pre-application meeting summary of the questions and answers, will be available at *https://ncrtm.ed.gov/RSAGrantInfo.aspx* within 6 days after the pre-application meeting.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.*

FOR FURTHER INFORMATION CONTACT: Diandrea Bailey, Ph.D., U.S. Department of Education, 400 Maryland Avenue SW, Room 5065A, Potomac Center Plaza, Washington, DC 20202–2800. Telephone: (202) 245–6244. Email: *84.129B@ed.gov*.

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Rehabilitation Long-Term Training program, Rehabilitation Counseling (84.129B) is designed to support projects that provide academic training in areas of personnel shortages identified by the Secretary to increase the number of personnel trained in providing VR services to individuals with disabilities. Projects must be operated in a manner consistent with nondiscrimination requirements contained in the U.S. Constitution and the Federal civil rights laws.

Priorities: This competition includes two absolute priorities and two competitive preference priorities. The first absolute priority is from the notice of final priority for this program published in the **Federal Register** on November 5, 2013 (78 FR 66271) (2013 NFP) (*www.govinfo.gov/content/pkg/FR-2013-11-05/pdf/2013-26500.pdf*). Absolute Priority 2 and Competitive Preference Priority 1 are from the Secretary's Final Supplemental Priorities and Definitions for Discretionary Grant Programs (Supplemental Priorities) published in the **Federal Register** on March 2, 2018 (83 FR 9096). In accordance with 34 CFR 75.105(b)(2)(ii), Competitive Preference Priority 2 is from regulations (34 CFR 75.255).

Absolute Priorities: For FY 2020, and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet these priorities.

These priorities are:

Absolute Priority 1

Under this priority, the Department funds programs leading to a master's degree in VR counseling. The goal of this priority is to increase the skills of VR counseling scholars so that upon successful completion they are prepared to effectively meet the needs and demands of consumers with disabilities and employers.

Under this priority, applicants must:

(a) Provide data on the current and projected employment needs and personnel shortages in State VR agencies and other related agencies as defined in 34 CFR 386.4 in their local area, region, and State, and describe how the proposed program will address those employment needs and personnel shortages.

(b) Describe how the VR counseling program will provide rehabilitation counselors the skills and knowledge that will help ensure that the individuals with disabilities that they serve can meet current demands and emerging trends in the labor market, including how:

(1) The curriculum provides a breadth of knowledge, experience, and rigor that will adequately prepare scholars to meet the employment needs and goals of VR consumers and aligns with evidence-based practices and with competency-based skills (*e.g.,* advanced counseling skills, critical thinking skills, and skills in building collaborative relationships) in the field of VR counseling;

(2) The curriculum prepares scholars to meet all applicable certification standards;

(3) The curriculum addresses new or emerging consumer employment needs or trends at the national, State, and regional levels;

(4) The curriculum teaches scholars to address the needs of individuals with a range of disabilities and individuals with disabilities who are from diverse cultural backgrounds;

(5) The curriculum will train scholars to recognize the assistive technology needs of consumers throughout the rehabilitation process so that they will be better able to coordinate the provision of appropriate assistive technology services and devices in order

to assist the consumer to obtain and retain employment;

(6) The curriculum will teach scholars to work effectively with employers in today's economy, including by teaching strategies for developing relationships with employers in their State and local areas, identifying employer needs and skill demands, making initial employer contacts, presenting job-ready clients to potential employers, and conducting follow-up with employers; and

(7) The latest technology is incorporated into the methods of instruction (*e.g.,* the use of distance education to reach scholars who live far from the university and the use of technology to acquire labor market information).

(c) Describe their methods to:

(1) Recruit highly capable prospective scholars who have the potential to successfully complete the academic program, all required practicum and internship experiences, and the required service obligation;

(2) Educate potential scholars about the terms and conditions of the service obligation under 34 CFR 386.4, 386.34, and 386.40 through 386.43 so that they will be fully informed before accepting a scholarship;

(3) Maintain a system that ensures that scholars sign a payback agreement and an exit form when they exit the program, regardless of whether they drop out, are removed, or successfully complete the program;

(4) Provide academic support and counseling to scholars throughout the course of the academic program to ensure successful completion;

(5) Ensure that all scholars complete an internship in a State VR agency as a requirement for program completion. In such cases where an applicant can provide sufficient justification that it is not feasible for all students receiving scholarships to meet this requirement, the applicant may require scholars to complete an internship in a State VR agency or a related agency, as defined in 34 CFR 386.4. Circumstances that would constitute sufficient justification may include, but are not limited to, a lack of capacity at the State VR agency to provide adequate supervision of scholars during their internship experience or the physical distance between scholars and the nearest office of the State VR agency (*e.g.,* for scholars enrolled in distance-learning programs or at rural institutions). Applicants should include written justification in the application or provide it to Rehabilitation Services Administration (RSA) for review and approval by the appropriate RSA Project Officer no later than 30 days prior to a scholar beginning an internship in a related agency;

(6) Provide career counseling, including informing scholars of professional contacts and networks, job leads, and other necessary resources and information to support scholars in successfully obtaining and retaining qualifying employment;

(7) Maintain regular contact with scholars upon successful program completion (*e.g.,* matching scholars with mentors in the field), to ensure that they have support during their search for qualifying employment as well as support during the initial months of their employment;

(8) Maintain regular communication with scholars after program exit to ensure that scholar contact information is up-to-date, and that documentation of employment is accurate and meets the regulatory requirements for qualifying employment; and

(9) Maintain accurate information on, while safeguarding the privacy of, current and former scholars from the time they are enrolled in the program until they successfully meet their service obligation.

(d) Describe a plan for developing and maintaining partnerships with State VR agencies and community-based rehabilitation service providers that includes:

(1) Coordination between the grantee and the State VR agencies and community-based rehabilitation service providers that will promote qualifying employment opportunities for scholars and formalized on-boarding and induction experiences for new hires;

(2) Formal opportunities for scholars to obtain work experiences through internships, practicum agreements, job shadowing, and mentoring opportunities; and

(3) A scholar internship assessment tool that is developed to ensure a consistent approach to the evaluation of scholars in a particular program. The tool should reflect the specific responsibilities of the scholar during the internship. The grantee and worksite supervisor are encouraged to work together as they see fit to develop the assessment tool. Supervisors at the internship site will complete the assessment detailing the scholar's strengths and areas for improvement that must be addressed and provide the results of the assessment to the grantee. The grantee should ensure that (A) scholars are provided with a copy of the assessment and all relevant rubrics prior to beginning their internship, (B) supervisors have sufficient technical support to accurately complete the assessment, and (C) scholars receive a copy of the results of the assessment within 90 days of the end of their internship.

(e) Describe how scholars will be evaluated throughout the entire program to ensure that they are proficient in meeting the needs and demands of today's consumers and employers, including the steps that will be taken to provide assistance to a scholar who is not meeting academic standards or who is performing poorly in a practicum or internship setting.

(f) Describe how the program will be evaluated. Such a description must include:

(1) How the program will determine its effect over a period of time on filling vacancies in the State VR agency with qualified counselors capable of providing quality services to consumers;

(2) How input from State VR agencies and community-based rehabilitation service providers will be included in the evaluation;

(3) How feedback from consumers of VR services and employers (including the assessments described in paragraph (d)(3)) will be included in the evaluation;

(4) How data from other sources, such as those from the Department, on the State VR program will be included in the evaluation; and

(5) How the data and results from the evaluation will be used to make necessary adjustments and improvements to the program.

Absolute Priority 2

Background: Cost sharing of at least 10 percent of the total cost of the project is required by 34 CFR 386.30 for grantees under the Rehabilitation Long-Term Training program. To the extent that the Department uses funds set aside under section 21 of the Rehabilitation Act to make awards to minority entities or Indian tribes to carry out activities under authorized title III programs, such as the Rehabilitation Long-Term Training program, we require cost sharing equal to that of the programs under which the award is made. Therefore, we have included an absolute priority for matching support through non-Federal contributions, either in cash or in-kind donations. Although the cash or in-kind resources to be contributed must be at least 10 percent of the total grant award, we encourage a higher percentage through the competitive preference priority included within this absolute priority.

Applicants must address this absolute priority, and the competitive preference priority, if applicable, in the budget information (ED Form 524, Section B) and budget narrative. The applicant

must propose the amount of cash or in-kind resources to be contributed for each year of the grant.

Priority: Projects that are designed to demonstrate matching support for the proposed project at 10 percent of the total amount of the grant.

Competitive Preference Priority 1: Within this absolute priority, for FY 2020 and any subsequent year in which we make awards from the list of unfunded applications from this competition, we give competitive preference to applications that address the following priority. Under 34 CFR 75.105(c)(2)(i) we award an additional three points to an application that meets paragraph (a) of the competitive preference priority and an additional five points to an application that meets paragraph (b) of the competitive preference priority.

This priority is:

Projects that are designed to demonstrate matching support for the proposed projects:

(a) 50 percent of the total amount of the grant (3 points); or

(b) 100 percent of the total amount of the grant (5 points).

Note: This competitive preference priority match is not mandatory, but if an applicant responds to and meets the criteria outlined in the Competitive Preference Priority 1, an additional three or five points will be applied to the application score. Cost sharing of at least 10 percent of the total cost of the project is mandatory of all grantees under the Rehabilitation Long-Term Training program.

Competitive Preference Priority 2: For FY 2020 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award an additional two points to an application that meets Competitive Preference Priority 2.

Competitive Preference Priority 2—Novice Applications (2 points)

(a) Under this priority, an applicant must demonstrate that the applicant—

(i) Has never received a grant or subgrant under this program;

(ii) Has never been a member of a group application, submitted in accordance with 34 CFR 75.127–75.129, that received a grant under this program; and

(iii) Has not had an active discretionary grant from the Federal Government in the five years before the deadline date for applications under this program.

(b) For the purpose of this priority, a grant is active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds.

Program Requirements: The program requirements for this competition are from 34 CFR part 386 and are as follows:

Grantees are required to maintain a system that safeguards the privacy of current and former scholars from the time they are enrolled in the program until they successfully meet their service obligation through qualified employment or monetary repayment. This system must ensure that the payback agreement is signed by each scholar prior to the disbursement of initial funds and for each subsequent year that funds are disbursed and contain the terms and conditions outlined in the regulations at 34 CFR part 386.

Each grantee must—

(a) Provide an original signed/executed payback agreement to RSA (34 CFR 386.34(c) and (d)), regardless of whether the scholars drop out, are removed, or successfully complete the program;

(b) Establish, publish, and apply reasonable standards for measuring whether a scholar is maintaining satisfactory progress in the scholar's program of study (34 CFR 386.34(e));

(c) Ensure exit certification forms are signed by each scholar and clearly delineate pertinent grant information and the scholar's responsibilities to meet the service obligation (34 CFR 386.34(f));

(d) Collect documentation that the employment, not including work completed as part of an internship, practicum, or other work-related requirement necessary to complete the educational program (34 CFR 386.34(g)(2)), meets the requirements of 34 CFR 386.40(a)(7); and

(e) Maintain payback records for not less than one year beyond the period when all scholars have completed their service obligation or entered into repayment. (34 CFR 386.34(g) and 34 CFR 386.34(j)).

Specifically, each grantee is required to maintain the following scholar information:

(a) Current contact information for all students receiving scholarships, including home address, email, and a phone number (home or cell).

(b) A point of contact for each scholar in the event that the grantee is unable to contact the student. This contact must be at least 21 years of age and may be a parent, relative, spouse, partner, sibling, or guardian.

(c) Cumulative financial support granted to scholars.

(d) Scholar debt in years.

(e) Program completion date and reason for exit for each scholar.

(f) Annual documentation from the scholar's employer(s) until the scholar completes the service obligation. This documentation must include the following elements in order to verify qualified employment: start date of employment to the present date, confirmation of full-time or part-time employment (if the scholar is working part-time the number of hours per week must be included in the documentation), type of employment, and a description of the roles and responsibilities performed on the job. This information is required for each employer if the scholar has worked in more than one setting in order to meet the service obligation.

(g) If the scholar is employed in a related agency, documentation to validate that there is a relationship between the related agency and the State VR agency. This may be a formal or informal contract, cooperative agreement, memorandum of understanding, or related document.

(h) Annual documentation from the scholar's institution of higher education to verify dates of deferral, if applicable. An educational deferral may be granted to the scholar who is pursuing higher education specifically in the field of rehabilitation but not to a scholar pursuing education in any other field of study (§ 386.41(b)(1)). The documentation may be prepared by the scholar's advisor or department chair and must include: confirmation of enrollment date, estimated graduation date, confirmation that the scholar is enrolled in a full-time course of study, and confirmation of the scholar's intent to fulfill the service obligation upon completion of the program.

Grantees are required to report annually to RSA on the data elements described above using the RSA Grantee Reporting Form, OMB number 1820–0617, an electronic reporting system supported by the RSA Payback Information Management System (PIMS). In addition, grantees must use all forms required by RSA to prepare and process repayment, as well as requests for deferral and exceptions. The RSA Grantee Reporting Form collects specific data, including the number of scholars entering the rehabilitation workforce, the rehabilitation field each scholar enters, and the type of employment setting each scholar chooses (*e.g.,* State VR agency, nonprofit service provider, or professional practice group). This form allows RSA to measure results against the goal of increasing the number of

qualified VR personnel working in State VR and related agencies.

Grantees are required to inform the scholars that upon graduation they will need to verify the accuracy of data in the system, submit employment data, request exceptions and deferrals, and upload documentation in PIMS; and grantees and scholars are required to inform the employers that they will be required to verify scholar employment information within the PIMS.

In addition, all Rehabilitation Long-Term Training grantees must submit the following quantitative and qualitative data in a semiannual and annual performance report:

(a) Program activities that occurred during each fiscal year from October 1 to March 31 and projected program activities to occur from April 1 to September 30 should be included in the semiannual performance report. Program activities that occur during each fiscal year from October 1 to September 30 must be included in the annual performance report. For subsequent reporting years, grantees confirm projections made from the prior year.

(b) Summary of academic support and counseling provided to scholars to ensure successful completion.

(c) Summary of career counseling provided to scholars upon program completion to ensure that they have support during their search for qualifying employment, as well as during their initial months of their employment. This may include but is not limited to informing scholars of professional contacts, networks, and job leads, matching scholars with mentors in the field, and connecting scholars to other necessary resources and information.

(d) Summary of partnership and coordination activities with State VR agencies and community-based rehabilitation providers. This may include, but is not limited to, obtaining input and feedback regarding curricula from State VR agencies and community-based rehabilitation providers; organizing internships, practicum agreements, job shadowing, and mentoring opportunities; and assessing scholars at the work site.

(e) Assistance provided to scholars who may not be meeting academic standards or who are performing poorly in a practicum or internship setting.

(f) Results of the program evaluation, as well as information describing how these results will be used to make necessary adjustments and improvements to the program.

(g) Results from scholar internship, practicum, job shadowing, or mentoring assessments, as well as information describing how those results will be used to ensure that future scholars receive all necessary preparation and training prior to program completion.

(h) Results from scholar evaluations and information describing how these results will be used to ensure that future scholars will be proficient in meeting the needs and demands of today's consumers and employers.

(i) Number of scholars who began an internship during the reporting period.

(j) Number of scholars who completed an internship during the reporting period.

(k) Number of scholars who dropped out or were dismissed from the program during the reporting period.

(l) Number of scholars receiving RSA scholarships during the reporting period.

(m) Number of scholars who graduated from the program during the reporting period.

(n) Number of scholars who obtained qualifying employment during the reporting period.

(o) Number of vacancies filled in the State VR agency with qualified counselors from the program during the reporting period.

(p) A budget and narrative detailing expenditures covering the period of October 1 through March 31 and projected expenditures from April 1 through September 30. The budget narrative must also verify progress towards meeting the 10 percent match requirement. For subsequent reporting years, grantees will confirm projections made from the prior year.

(q) Other information, as requested by RSA, in order to verify substantial progress and effectively report program impact to Congress and key stakeholders.

Fourth and Fifth Years of the Project: In deciding whether to continue funding any Rehabilitation Long-Term Training grant for the fourth and fifth years, the Department will consider the requirements of 34 CFR 75.253(a), including:

(a) The recommendation of the RSA project officer who will monitor the reported annual performance of the grantee's training program and measure it against the projections stated in the grantee's application. This review will consider the number of students actually enrolled in the grantee's training program, the number of students who successfully enter qualifying employment with the State VR agencies, and the number who obtain qualifying employment at other related agencies;

(b) The timeliness and effectiveness with which all requirements of the grant award have been or are being met by the grantee, including the submission of annual performance reports and annual RSA Scholar Payback Program reports, and adherence to fiduciary responsibilities related to the budget submitted in the application per 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,'' and the Education Department General Administrative Regulations; and

(c) The quality, relevance, and usefulness of the grantee's training program and activities and the degree to which the training program and activities and their outcomes have contributed to significantly improving the quality of VR professionals ready for employment with State VR agencies and related agencies, as measured by the percentage of students entering qualified employment under 34 CFR 386.34.

Note: While applicants may not hire staff or select trainees based on race or national origin or ethnicity, they may conduct outreach activities to increase the pool of eligible minority candidates. We may disqualify and not consider for funding any applicant that indicates that it will hire or train a certain number or percentage of minority candidates.

Program Authority: 29 U.S.C. 772.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR parts 385 and 386. (e) The 2013 NFP. (f) The Supplemental Priorities.

*Note:*The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $6,184,453.

Contingent upon the availability of funds and the quality of applications,

we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimate Range of Awards: $180,000–$200,000.

Estimated Average Size of Awards: $190,000.

Maximum Award: We will not make an award exceeding $200,000 for a single budget period of 12 months.

Estimated Number of Awards: 31.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* States and public or private nonprofit agencies and organizations, including Indian Tribes and institutions of higher education.

2. *Cost Sharing or Matching:* Cost sharing of at least 10 percent of the total cost of the project is required of grantees under the Rehabilitation Long-Term Training program. The Secretary may waive part of the non-Federal share of the cost of the project after negotiations if the applicant demonstrates that it does not have sufficient resources to contribute the entire match (34 CFR 386.30). The Secretary does not, as a general matter, anticipate waiving this requirement in the future. Furthermore, given the importance of matching funds to the long-term success of the project, eligible entities must identify appropriate matching funds in the proposed budget. Finally, the selection criteria include factors such as ''the adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization'' and ''the relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project,'' which may include a consideration of demonstrated matching support.

Note: Under 34 CFR 75.562(c), an indirect cost reimbursement on a training grant is limited to the recipient's actual indirect costs, as determined by its negotiated indirect cost rate agreement, or eight percent of a modified total direct cost base, whichever amount is less. Indirect costs in excess of the limit may not be charged directly, used to satisfy matching or cost-sharing requirements, or charged to another Federal award.

Note: Under 34 CFR 386.31(a), a grantee must use at least 65 percent of the total cost of the project under this program for scholarships as defined in 34 CFR 386.4.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application.

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Rehabilitation Training: Rehabilitation Long-Term Training competition, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 45 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and 386.20, and are as follows:

(a) *Relevance to State-Federal vocational rehabilitation service program.* (10 points)

(1) The Secretary reviews each application for information that shows that the proposed project appropriately relates to the mission of the State-Federal vocational rehabilitation service program.

(2) The Secretary looks for information that shows that the project can be expected either—

(i) To increase the supply of trained personnel available to State and other public or nonprofit agencies involved in the rehabilitation of individuals with disabilities through degree or certificate granting programs; or

(ii) To improve the skills and quality of professional personnel in the rehabilitation field in which the training is to be provided through the granting of a degree or certificate.

(b) *Nature and scope of curriculum.* (20 points)

(1) The Secretary reviews each application for information that demonstrates the adequacy of the proposed curriculum.

(2) The Secretary looks for information that shows—

(i) The scope and nature of the coursework reflect content that can be expected to enable the achievement of the established project objectives;

(ii) The curriculum and teaching methods provide for an integration of theory and practice relevant to the educational objectives of the program;

(iii) For programs whose curricula require them, there is evidence of

educationally focused practical and other field experiences in settings that ensure student involvement in the provision of vocational rehabilitation, supported employment, customized employment, pre-employment transition services, transition services, or independent living rehabilitation services to individuals with disabilities, especially individuals with significant disabilities;

(iv) The coursework includes student exposure to vocational rehabilitation, supported employment, customized employment, employer engagement, and independent living rehabilitation processes, concepts, programs, and services; and

(v) If applicable, there is evidence of current professional accreditation by the designated accrediting agency in the professional field in which grant support is being requested.

(c) *Quality of project services.* (25 points)

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(ii) The extent to which the training or professional development services to be provided by the proposed project are likely to alleviate the personnel shortages that have been identified or are the focus of the proposed project.

(iii) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

(d) *Quality of project personnel.* (10 points)

(1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of the project director or principal investigator.

(ii) The qualifications, including relevant training and experience, of key project personnel.

(iii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(e) *Adequacy of resources.* (20 points).

(1) The Secretary considers the adequacy of resources for the proposed project.

(2) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(ii) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(iii) The extent to which the budget is adequate to support the proposed project.

(iv) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

(v) The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support.

(f) *Quality of the management plan.* (15 points)

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project.

(iii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

In addition to the selection criteria listed above, the Secretary, in making awards under this program and in accordance with 34 CFR 385.33, considers such factors as the two listed below from 34 CFR 385.33, which will not be scored by the peer review panel—

(a) The geographical distribution of projects in each Rehabilitation Training program category throughout the country; and

(b) The past performance of the applicant in carrying out similar training activities under previously awarded grants, as indicated by such factors as compliance with grant conditions, soundness of programmatic and financial management practices, and attainment of established project objectives.

These criteria will be used after non-Federal reviewers score the applications. The criterion related to geographical distribution of projects will be applied to fund applications out of rank order if the top-ranked applications do not represent a geographical distribution throughout the country. The criterion related to past performance will be applied to all applications that are recommended for funding.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

When reviewing prior performance under 34 CFR 75.217(d)(3) and conducting risk assessments pursuant to 2 CFR 200.205, the Secretary will consider factors such as whether applicants have demonstrated sufficient institutional capacity through the commitment of adequate resources, as described in the selection criteria, and suitable past performance to fully implement multiple awards. In reviewing capacity, the Secretary will consider factors such as whether

potential grantees have demonstrated sufficient staffing, an adequate pool of potential scholars, and existing relationships with VR and related agencies to place scholars from multiple grants in appropriate internships. Based on these reviews, the Secretary will take appropriate action under 34 CFR 75.217(d)(3), 2 CFR 200.205, and 2 CFR 3474.10, before making awards to a grantee.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit semiannual and annual performance reports that provide the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* The Government Performance and Results Act of 1993 (GPRA) directs Federal departments and agencies to improve the effectiveness of programs by engaging in strategic planning, setting outcome-related goals for programs, and measuring program results against those goals.

GPRA Measure 1: The percentage of master's level counseling graduates fulfilling their payback requirements through qualifying employment.

GPRA Measure 2: The percentage of master's level counseling graduates fulfilling their payback requirements through qualifying employment in State VR agencies.

GPRA Measure 3: The Federal cost per master's level RSA-supported rehabilitation counseling graduate.

In addition, the following RSA Program Measures apply to the Rehabilitation Long-Term Training program:

Program Measure 1: Number of scholars enrolled during the reporting period.

Program Measure 2: Number of scholars who dropped out or were dismissed from the program during the reporting period.

Program Measure 3: Number of scholars who graduated with a master's degree from the program during the reporting period.

Program Measure 4: Number of scholars who obtained employment in a State VR agency during the reporting period.

Program Measure 5: Number of scholars who maintained or advanced in their employment in a State VR agency during the reporting period.

Annual project progress toward meeting project goals must be posted on the project website or university website.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit

discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

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

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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

Mark Schultz,

Commissioner, Rehabilitation Services Administration. Delegated the authority to perform the functions and duties of the Assistant Secretary for the Office of Special Education and Rehabilitative Services.

[FR Doc. 2020–06535 Filed 3–27–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2020–SCC–0053]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Progress in International Reading Literacy Study (PIRLS 2021) Main Study Data Collection

AGENCY: National Center for Education Statistics (NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before April 29, 2020.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carrie Clarady, 202–245–6347 or email *NCES.Information.Collections@ed.gov.*

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: Progress in International Reading Literacy Study (PIRLS 2021) Main Study Data Collection.

OMB Control Number: 1850–0645.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 16,712.

Total Estimated Number of Annual Burden Hours: 8,008.

Abstract: The Progress in International Reading Literacy Study (PIRLS) is an international assessment of fourth-grade students' achievement in reading. PIRLS reports on four benchmarks in reading achievement at grade 4 and on a variety of issues related to the education context for the students in the sample, including instructional practices, school resources, curriculum implementation, and learning supports outside of school. Since its inception in 2001, PIRLS has continued to assess students every 5 years (2001, 2006, 2011, and 2016), with the next PIRLS assessment, PIRLS 2021, being the fifth iteration of the study. Participation in this study by the United States at regular intervals provides data on student achievement and on current and past education policies and a comparison of U.S. education policies and student performance with those of the U.S. international counterparts. In PIRLS 2016, 58 education systems participated. The United States will participate in PIRLS 2021 to continue to monitor the progress of its students compared to that of other nations and to provide data on factors that may influence student achievement. PIRLS is coordinated by the International Association for the Evaluation of Educational Achievement (IEA), an international collective of research organizations and government agencies that create the assessment framework, the assessment instrument, and background questionnaires. The IEA decides and agrees upon a common set of standards and procedures for collecting and reporting PIRLS data, and defines the studies' timeline, all of which must be followed by all participating countries. As a result, PIRLS is able to provide a reliable and comparable measure of student skills in participating countries. In the U.S., the National Center for Education Statistics (NCES) conducts this study. In preparation for the PIRLS 2021 main study, all countries are asked to implement a field test in 2020. The purpose of the PIRLS field test is to evaluate new assessment items and background questions, to ensure practices that promote low exclusion rates, and to ensure that classroom and student sampling procedures proposed for the main study are successful. Data collection for the field test in the U.S. will occur from March through April 2020 and for the main study from March through June 2021. The submission describing the overarching plan for all phases of the data collection, including the 2021 main study, and requesting approval for all activities, materials, and response burden related to the field test recruitment was approved in April 2019 with a change request in September

2019 (OMB# 1850–0645 v.11–12), while the submission describing all aspects of the field test and recruitment for the main study was approved in October 2019 (OMB# 1850–0645 v.13). This submission request is for all aspects of the PIRLS 2021 main study, including data collection activities, with an accompanying 30-day public comment period. After the international versions of the main study questionnaires are released by IEA in September 2020, a submission for the main study questionnaires with the proposed U.S. adaptations in Appendices C1 and C2 will be submitted in October 2020. In the case that the final approved U.S. adapted versions of the PIRLS 2021 main study questionnaires differ from those provided in that October 2020 submission, the final versions will be submitted to OMB for approval as a change request in December 2020.

Dated: March 24, 2020.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2020–06485 Filed 3–27–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2020–SCC–0054]

Agency Information Collection Activities; Comment Request; Special Education—Individual Reporting on Regulatory Compliance Related to the Personnel Development Program's Service Obligation and the Government Performance and Results Act (GPRA)

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 29, 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–0054. 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 Richelle Davis, 202–245–7401.

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: Special Education—Individual Reporting on Regulatory Compliance Related to the Personnel Development Program's Service Obligation and the Government Performance and Results Act (GPRA).

OMB Control Number: 1820–0686.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 34,262.

Total Estimated Number of Annual Burden Hours: 8,328.

Abstract: The Office of Special Education Program's Personnel Development Program aims to increase the supply of qualified personnel in the field of special education. The program awards competitive grants to Institutions of Higher Education to support scholars who are preparing to provide special education and related services to children and youth with disabilities. Scholars who receive funding agree to work in the field of special education or related services for two years for each year of support they receive.

The Personnel Development Program Data Collection System collects data from grantees, scholars, and employers who verify that scholars are employed in the field of special education or related services. This data collection serves three program needs. First, data from grantees, scholars, and employers are necessary to assess the performance of the Personnel Development Program on its Government Performance Results Act measures. Second, data from all three sources are necessary to determine if scholars comply with the service obligation requirements. And finally, project-specific performance data are collected from grantees for project monitoring and program improvement.

The forms in this package are updates to existing Office of Management and Budget approved forms (1820–0686) which expire on 8/31/2020.

Dated: March 25, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer.

[FR Doc. 2020–06534 Filed 3–27–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Personnel Development To Improve Services and Results for Children With Disabilities—Interdisciplinary Preparation in Special Education, Early Intervention, and Related Services for Personnel Serving Children With Disabilities Who Have High-Intensity Needs

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2020 for Personnel Development to Improve Services and Results for Children with Disabilities—Interdisciplinary Preparation in Special Education, Early Intervention, and Related Services for Personnel Serving Children with Disabilities who have High-Intensity Needs, Catalog of Federal Domestic Assistance (CFDA) number 84.325K. This notice relates to the approved information collection under OMB control number 1820–0028.

DATES:

Applications Available: March 30, 2020.

Deadline for Transmittal of Applications: May 29, 2020.

Pre-Application Webinar Information: No later than April 6, 2020, the Office of Special Education Programs (OSEP) will post a pre-recorded informational webinar designed to provide technical assistance to interested applicants. The webinar may be found at *www2.ed.gov/fund/grant/apply/osep/new-osep-grants.html.*

Deadline for Intergovernmental Review: July 28, 2020.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.*

FOR FURTHER INFORMATION CONTACT: *For Focus Area A:* Sunyoung Ahn, U.S. Department of Education, 400 Maryland Avenue SW, Room 5012A, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: (202) 245–6460. Email: *Sunyoung.Ahn@ed.gov.*

For Focus Area B: LaTisha Putney, U.S. Department of Education, 400 Maryland Avenue SW, Room 5060D, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: (202) 245–6172. Email: *LaTisha.Putney@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purposes of this program are to (1) help address State-identified needs for personnel preparation in special education, early intervention, related services, and regular education to work with children, including infants, toddlers, and youth with disabilities; and (2) ensure that those personnel have the necessary skills and knowledge, derived from practices that have been determined through scientifically based research, to be successful in serving those children.

Priorities: This competition includes one absolute priority. In accordance with 34 CFR 75.105(b)(2)(v), this absolute priority is from allowable activities specified in the statute (see sections 662 and 681 of the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1462 and 1481)).

Absolute Priority: For FY 2020 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Interdisciplinary Preparation in Special Education, Early Intervention, and Related Services for Personnel Serving Children with Disabilities who have High-Intensity Needs.

Background:

The purpose of this priority is to increase the number and improve the quality of personnel who are fully credentialed to serve children, including infants, toddlers, and youth with disabilities who have high-intensity needs,[1] especially in areas of chronic personnel shortage. Under this priority, the Department will fund high-quality interdisciplinary [2] projects that prepare special education, early intervention, and related services [3] personnel at the master's degree, educational specialist degree, or clinical doctoral degree levels for professional practice in a variety of education settings, including natural environments (the home and community settings in which children with and without disabilities participate), early learning programs, classrooms, and school settings. The competition will also prepare personnel who have the knowledge and skills to support each child with a disability in meeting high expectations and to partner with other providers, families, and administrators in meaningful and effective collaborations.

State demand for fully credentialed special education, early intervention, and related services personnel to serve children, including infants, toddlers, and youth with disabilities, exceeds the available supply, particularly in high-need schools [4] (Boe et al., 2013). These shortages can negatively affect the quality of services provided to children, including infants, toddlers, and youth with disabilities and their families (Boe et al., 2013). These shortages limit the field's ability to ensure that each child has the opportunity to meet challenging objectives and receive an individualized education program that is both meaningful and appropriately ambitious, which is essential for preparing them for the future.

The need for personnel with the knowledge and skills to serve children, including infants, toddlers, and youth with disabilities who have high-intensity needs, is even greater because specialized or advanced preparation is

[1] For the purposes of this priority, ''high-intensity needs'' refers to a complex array of disabilities (*e.g.,* multiple disabilities, significant cognitive disabilities, significant physical disabilities, significant sensory disabilities, significant autism, significant emotional disabilities, or significant learning disabilities, including dyslexia) or the needs of children with these disabilities requiring intensive, individualized intervention(s) (*i.e.,* that are specifically designed to address persistent learning or behavior difficulties, implemented with greater frequency and for an extended duration than is commonly available in a typical classroom or early intervention setting, or which require personnel to have knowledge and skills in identifying and implementing multiple evidence-based interventions).

[2] For the purposes of this priority, ''interdisciplinary'' refers to preparing scholars from two or more graduate degree programs in either (a) special education or early intervention and one or more related services through shared coursework, group assignments, and coordinated field experiences; or (b) two or more related services through shared coursework, group assignments, and coordinated field experiences. Different graduate degree programs across more than one institution of higher education may partner to develop an interdisciplinary project.

For the purpose of this priority, ''interdisciplinary'' does not include: (a) Individual scholars who receive two or more graduate degrees; (b) one graduate degree program that prepares scholars with different areas of focus; (c) one graduate degree program that offers interdisciplinary content but does not prepare scholars from two or more degree programs together; or (d) one graduate degree program in special education, early intervention, and related services partnering with a graduate degree program other than special education, early intervention, or related services. Programs in which scholars receive only a certificate or endorsement without a graduate degree are not eligible.

[3] For the purposes of this priority, ''related services'' includes the following: Speech-language pathology and audiology services; interpreting services; psychological services; applied behavior analysis; physical therapy and occupational therapy; recreation, including therapeutic recreation; social work services; counseling services, including rehabilitation counseling; and orientation and mobility services.

[4] For the purposes of this priority, ''high-need school'' refers to a public elementary or secondary school that is a ''high-need local educational agency (LEA),'' ''high-poverty,'' ''implementing a comprehensive support and improvement plan,'' or ''implementing a targeted support and improvement plan'' as defined in footnotes 9, 10, 11, and 12, respectively.

required to collaboratively design and deliver evidence-based [5] instruction and intensive individualized intervention(s) in natural environments, classrooms, and schools that address the needs of these individuals (Boe et al., 2013; Browder et al., 2014; McLeskey & Brownell, 2015). Although children, including infants and toddlers, and youth with disabilities who have high-intensity needs may require the combined expertise of numerous professionals (including special education, early intervention, and related services providers), it is often difficult for personnel from varied professional backgrounds to work together because they lack shared information, understanding, and experience.

Interdisciplinary approaches to personnel preparation provide scholars with experience working and learning in team environments similar to those in which they are likely to work once employed (Smith, 2010). That is, when providing early intervention or special education services under the IDEA, personnel serving children, including infants and toddlers, and youth with disabilities work on interdisciplinary teams with parents, general and special education teachers, early interventionists, and related service providers with the expertise to design, implement, and evaluate instruction, intervention plans, individualized family service plans, and individualized education programs based on the unique learning and developmental needs of each child. To enable personnel to provide efficient, high-quality integrated services, personnel preparation programs need to embed content, practices, and field experience into preservice training that is aligned with the interdisciplinary team-based approaches in which graduates are likely to work. This priority aims to fund interdisciplinary projects that will provide such preparation.

The projects must be awarded and operated in a manner consistent with nondiscrimination requirements contained in the U.S. Constitution and the Federal civil rights laws.

Priority:

The purpose of this priority is to increase the number and improve the quality of personnel who are fully credentialed to serve children, including infants and toddlers, and youth with disabilities who have high-intensity needs—especially in areas of chronic personnel shortage. The priority will fund high-quality interdisciplinary projects that prepare special education, early intervention, and related services personnel at the master's degree, educational specialist degree, or clinical doctoral degree levels for professional practice in natural environments, early learning programs, classrooms, and school settings serving children, including infants and toddlers, and youth with disabilities.

Specifically, an applicant must propose an interdisciplinary project supporting scholars [6] from two or more graduate degree programs in either (a) special education or early intervention and one or more related services; or (b) two or more related services.

An interdisciplinary project is a project that delivers core content through shared coursework, group assignments, and coordinated field experiences as part of two or more master's degree, educational specialist degree, or clinical doctoral degree programs for scholars. Not all requirements (*e.g.,* courses and field experiences) of each participating graduate degree program must be shared across all degree programs participating in the interdisciplinary project, but the interdisciplinary project must: (a) Identify the competencies needed to promote high expectations and address the individualized needs of children with disabilities who have high-intensity needs using an interdisciplinary approach to service delivery; (b) outline how the project will build capacity in those areas through shared coursework, group assignments, and coordinated field experiences for scholars supported by the proposed project; and (c) identify the aspects of each graduate degree program that are shared across all participating degree programs and those that remain unique to each.

Projects may include individuals who are in degree programs (*e.g.,* general education, early childhood education, administration) and who are cooperating with, but not funded as scholars by, the applicant's proposed interdisciplinary project. These individuals may participate in the shared coursework, group assignments, coordinated field experiences, and other opportunities required of scholars and funded by the project (*e.g.,* speaker series, monthly seminars) if doing so does not diminish the benefit for project-funded scholars (*e.g.,* by reducing funds available for scholar support or limiting opportunities for scholars to participate in project activities).

Personnel preparation degree programs that prepare all scholars to be dually certified can qualify under this priority by partnering with at least one additional graduate degree program in related services.

Personnel preparation programs that prepare individuals to be educational interpreters for the deaf at the bachelor's degree level can qualify under this priority and are exempted from (a) the interdisciplinary requirement and (b) the requirement for two or more graduate degree programs. All other priority requirements specified for graduate programs will apply to the bachelor's program. While interdisciplinary projects are not required for educational interpreters, they are encouraged.

Focus Areas: Within this absolute priority, the Secretary intends to support interdisciplinary projects under the following two focus areas: (A) Preparing Personnel to Serve Infants, Toddlers, and Preschool-Age Children with Disabilities who have High-Intensity Needs; and (B) Preparing Personnel to Serve School-Age Children with Disabilities who have High-Intensity Needs.

Applicants must identify the specific focus area (*i.e.,* A or B) under which they are applying as part of the competition title on the application cover sheet (SF 424, line 12). Applicants may not submit the same proposal under more than one focus area. Applicants may submit different proposals in different focus areas.

Focus Area A: Preparing Personnel to Serve Infants, Toddlers, and Preschool-Age Children with Disabilities who have High-Intensity Needs. This focus area is

[5] For the purposes of this priority, ''evidence-based'' means, at a minimum, evidence that demonstrates a rationale (as defined in 34 CFR 77.1), where a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

[6] For the purposes of this priority, ''scholar'' is limited to an individual who (a) is pursuing a master's, educational specialist degree, or clinical doctoral graduate degree in special education, early intervention, or related services (as defined in this notice); (b) receives scholarship assistance as authorized under section 662 of IDEA (34 CFR 304.3(g)); (c) will be eligible for a license, endorsement, or certification from a State or national credentialing authority following completion of the graduate degree program identified in the application; and (d) will be able to be employed in a position that serves children with disabilities for either 51 percent of their time or case load. See *https://pdp.ed.gov/OSEP/Home/Regulation* for more information.

Scholars from each graduate degree program participating in the proposed interdisciplinary project must receive scholar support and be eligible to fulfill service obligation requirements following graduate degree program completion. Scholars from each graduate degree program participating in this project must complete the requirements of their unique graduate degree program and receive different graduate degrees. Individuals pursuing degrees in general education or early childhood education do not qualify as ''scholars'' eligible for scholarship assistance.

for interdisciplinary projects that deliver core content through shared coursework, group assignments, and coordinated field experiences for scholars across two or more graduate degree programs in either: (a) Early intervention or early childhood special education and related services for infants, toddlers, and preschool-age children with disabilities who have high-intensity needs; or (b) two or more related services to serve infants, toddlers, and preschool-age children with disabilities who have high-intensity needs.

Early intervention personnel are those who are prepared to provide services to infants and toddlers with disabilities ages birth to three, and early childhood personnel are those who are prepared to provide services to children with disabilities ages three through five (and in States where the age range is other than ages three through five, we defer to the State's certification for early childhood special education). In States where certification in early intervention is combined with certification in early childhood special education, applicants may propose a combined early intervention and early childhood special education personnel preparation project under this focus area.

Note: OSEP may fund out of rank order high-quality applications from Historically Black Colleges and Universities (HBCUs).[7] OSEP also may fund out of rank order high-quality applications to ensure that projects are funded across both Focus Area A and Focus Area B.

Focus Area B: Preparing Personnel to Serve School-Age Children with Disabilities who have High-Intensity Needs. This focus area is for interdisciplinary projects that deliver core content through shared coursework, group assignments, and coordinated field experiences to scholars across two or more graduate degree programs in either: (a) Special education and related services for school-age children with disabilities who have high-intensity needs; or (b) two or more related services to serve school-age children with disabilities who have high-intensity needs.

Note: OSEP may fund out of rank order high-quality applications from HBCUs. OSEP also may fund out of rank order high-quality applications to ensure that projects are funded across both Focus Area A and Focus Area B.

Focus Areas A and B:

Applicants may use up to the first 12 months of the performance period and up to $100,000 of the first budget period for planning without enrolling scholars. Applicants must clearly provide sufficient justification for requesting program planning time and include the goals, objectives, and intended outcomes of program planning in year one, a description of the proposed strategies and activities to be supported, and a timeline for the work; such as—

(1) Outlining or updating coursework, group assignments, or coordinated field experience needed to support interdisciplinary preparation for special education, early intervention, or related services personnel serving children with disabilities who have high-intensity needs;

(2) Building capacity (*e.g.,* hiring of a field supervisor, providing professional development for field supervisors, and training for faculty);

(3) Purchasing needed resources (*e.g.,* additional teaching supplies or specialized equipment to enhance instruction); or

(4) Negotiating agreements with programs or schools to serve as sites for coordinated field experience needed to support delivery of the proposed interdisciplinary project.

Additional Federal funds may be requested for scholar support and other grant activities occurring in year one of the project, provided that the total request for year one does not exceed the maximum award available for one budget period of 12 months (*i.e.,* $250,000).

Note: Applicants proposing projects to develop, expand, or add a new area of emphasis to special education, early intervention, or related services programs must provide, in their applications, information on how these new areas will be sustained once Federal funding ends.

To be considered for funding under this absolute priority, all program applicants must meet the application requirements contained in this priority. All projects funded under this absolute priority also must meet the programmatic and administrative requirements specified in this priority.

Note: Applicants are required to meet the matching support for the proposed project at 10 percent of the total amount of the grant as specified in paragraph (d)(10) of the priority requirements for an application to be reviewed and be considered eligible to receive an award.

To meet the requirements of this priority an applicant must—

(a) Demonstrate, in the narrative section of the application under ''Significance,'' how—

(1) The project addresses national, State, regional, or district shortages of personnel who are fully qualified to serve children with disabilities, ages birth through 21, who have high-intensity needs. To address this requirement, the applicant must—

(i) Present data on the quality of each special education, early intervention, or related services personnel preparation degree program participating in the project, in areas such as: The average amount of time it takes for scholars to complete the program; the percentage of program graduates who receive a license, endorsement, or certification related to special education, related services, or early intervention services; the percentage of program graduates finding employment related to their preparation after graduation; the effectiveness of program graduates in providing special education, early intervention, or related services, which could include data on the learning and developmental outcomes of children with disabilities they serve; the percentage of program graduates who maintain employment for two or more years in the area for which they were prepared; and the percentage of employers who rate the preparation of scholars who complete their degree program as adequate or higher; and

(ii) If available for the degree programs participating in the proposed project, present data on the quality of their interdisciplinary approaches to the preparation of special education, early intervention, or related services personnel; and

Note: Data on the quality of a personnel preparation program should be no older than five years prior to the start date of the project proposed in the application. When reporting percentages, the denominator (*i.e.,* total number of scholars or program graduates) must be provided.

(2) The project will increase the number of personnel who demonstrate the competencies[8] needed to—

(i) Promote high expectations;

(ii) Differentiate instruction;

(iii) Provide intensive individualized instruction and intervention(s); and

(iv) Collaborate with diverse stakeholders using an interdisciplinary

[7] For the purposes of this priority, ''Historically Black College or University'' is as defined under section 322 of the Higher Education Act of 1965, as amended.

[8] For the purposes of this priority, ''competencies'' means what a person knows and can do—the knowledge, skills, and dispositions necessary to effectively function in a role (National Professional Development Center on Inclusion, 2011). These competencies should ensure that personnel are able to use challenging academic standards, child achievement and functional standards, and assessments to improve instructional practices, services, learning and developmental outcomes (*e.g.,* academic, social, emotional, behavioral), and college- and career-readiness of children with disabilities.

team-based approach to address the individualized needs of children with disabilities who have high-intensity needs, ages birth through 21, and designed to achieve improvements in learning or developmental outcomes (*e.g.,* academic, social, emotional, behavioral), or successful transition to postsecondary education and the workforce. To address this requirement, the applicant must—

(A) Identify the competencies that special education, early intervention, or related services personnel need to—

(*1*) Promote high expectations;

(*2*) Differentiate instruction;

(*3*) Provide intensive individualized instruction and intervention(s); and

(*4*) Collaborate with parents, families, and diverse stakeholders using an interdisciplinary team-based approach designed to lead to improved learning and developmental outcomes; ensure access to and progress in academic achievement standards or alternate academic achievement standards, as appropriate; lead to successful transition to college and career for children with disabilities, including children with disabilities who have high-intensity needs; and maximize the use of effective technology, including assistive technology, to deliver instruction, interventions, and services;

(B) Identify the competencies needed by members of interdisciplinary teams to promote high expectations and improve early childhood, educational, and employment outcomes for children with disabilities who have high-intensity needs;

(C) Identify the competencies that personnel need to support inclusion of children with disabilities who have high-intensity needs in the least restrictive and natural environments to the maximum extent appropriate by intentionally promoting high expectations and participation in learning and social activities to foster development, learning, academic achievement, friendships with peers, and sense of belonging;

(D) Identify how scholars will be prepared to develop, implement, and evaluate evidence-based instruction and evidence-based interventions that improve outcomes for children with disabilities who have high-intensity needs in a variety of settings (*e.g.,* natural environments; public schools, including charter schools; private schools, including parochial schools; and other nonpublic education settings, including home education); and

(E) Provide a conceptual framework for the proposed interdisciplinary personnel preparation project, including any empirical support for project activities designed to promote the acquisition of the identified competencies (see paragraph (a)(2) of the requirements for this priority) needed by special education, early intervention, or related services personnel, and how these competencies relate to the proposed project;

(b) Demonstrate, in the narrative section of the application under ''Quality of project services,'' how the project—

(1) Will conduct its planning activities, if the applicant will use any of the allowable first 12 months of the project period for planning;

(2) Will recruit and retain high-quality scholars into each of the graduate degree programs participating in the project and ensure equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. To meet this requirement, the applicant must describe—

(i) Criteria the applicant will use to identify high-quality applicants for admission into each of the graduate degree programs participating in the project;

(ii) Recruitment strategies the applicant will use to attract high-quality applicants and any specific recruitment strategies targeting high-quality applicants from traditionally underrepresented groups, including individuals with disabilities; and

(iii) The approach, including mentoring, monitoring, and accommodations, the applicant will use to support scholars to complete their respective degree programs;

(3) Reflects current evidence-based practices, including practices in the areas of literacy and numeracy development, assessment, behavior, instructional practices, and inclusive strategies, as appropriate, and is designed to prepare scholars in the identified competencies. To address this requirement, the applicant must describe how the project will—

(i) Incorporate current evidence-based practices (including relevant research citations) that improve outcomes for children with disabilities who have high-intensity needs into (a) the required coursework and field experiences for each graduate degree program participating in the project; and (b) the shared coursework, group assignments, and coordinated field experiences required for the interdisciplinary portions of the project; and

(ii) Use evidence-based professional development practices for adult learners to instruct scholars;

(4) Is of sufficient quality, intensity, and duration to prepare scholars in the identified competencies. To address this requirement, the applicant must describe how—

(i) The components of (a) each graduate degree program participating in the project; and (b) the shared coursework, group assignments, and coordinated field experiences required for the interdisciplinary portions of the proposed project will support scholars' acquisition and enhancement of the identified competencies;

(ii) The components of (a) each graduate degree program participating in the project; and (b) the shared coursework, group assignments, and coordinated field experiences required for the interdisciplinary portions of the proposed project will be integrated to allow scholars, in collaboration with other team members, to use their knowledge and skills in designing, implementing, and evaluating practices supported by evidence to address the learning and developmental needs of children with disabilities who have high-intensity needs;

(iii) Scholars will be provided with ongoing guidance and feedback during training; and

(iv) The proposed project will provide ongoing induction opportunities and mentoring support to graduates of each graduate degree program participating in the project;

(5) Will engage in meaningful and effective collaboration with appropriate partners representing diverse stakeholders, including—

(i) High-need schools, which may include high-need local educational agencies (LEAs),[9] high-poverty schools,[10] schools identified for comprehensive support and improvement,[11] and schools

[9] For the purposes of this priority, ''high-need LEA'' means an LEA (a) that serves not fewer than 10,000 children from families with incomes below the poverty line; or (b) for which not less than 20 percent of the children are from families with incomes below the poverty line.

[10] For the purposes of this priority, ''high-poverty school'' means a school in which at least 50 percent of students are from low-income families as determined using one of the measures of poverty specified under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, as amended (ESEA). For middle and high schools, eligibility may be calculated on the basis of comparable data from feeder schools. Eligibility as a high-poverty school under this definition is determined on the basis of the most currently available data.

[11] For the purposes of this priority, ''school implementing a comprehensive support and improvement plan'' means a school identified for comprehensive support and improvement by a State under section 1111(c)(4)(D) of the ESEA that

implementing a targeted support and improvement plan [12] for children with disabilities; early childhood and early intervention programs located within the geographic boundaries of a high-need LEA; and early childhood and early intervention programs located within the geographical boundaries of an LEA serving the highest percentage of schools identified for comprehensive support and improvement or implementing targeted support and improvement plans in the State. The purpose of these partnerships is to provide field practice for scholars aimed at developing the identified competencies as members of interdisciplinary teams; and

(ii) Other personnel preparation programs on campus or at partnering universities for the purpose of sharing resources, supporting program development and delivery, and addressing personnel shortages;

(6) Will use technology, as appropriate, to promote scholar learning and professional practice, enhance the efficiency of the project, collaborate with partners, and facilitate ongoing mentoring and support for scholars;

(7) Will ensure that scholars understand how to use technology to support student learning and students' use of educational and assistive technology; and

(8) Will align with and use resources, as appropriate, available through technical assistance centers, which may include centers funded by the Department;

Note: Use the ''Find a Center or Grant'' link at *https://osepideasthatwork.org* for information about OSEP-funded technical assistance centers.

(c) Demonstrate, in the narrative section of the application under ''Quality of the project evaluation,'' how—

(1) The applicant will use comprehensive and appropriate methodologies to evaluate how well the goals or objectives of the proposed project have been met, including the project processes and outcomes;

(2) The applicant will collect, analyze, and use data related to specific and measurable goals, objectives, and outcomes of the project. To address this requirement, the applicant must describe how—

(i) Scholar competencies and other project processes and outcomes will be measured for formative evaluation purposes, including proposed instruments, data collection methods, and possible analyses; and

(ii) It will collect and analyze data on the quality of services provided by scholars who complete the graduate degree programs involved in this interdisciplinary project and are employed in the field for which they were trained, including data on the learning and developmental outcomes (*e.g.,* academic, social, emotional, behavioral, meeting college- and career-ready standards), and on growth toward these outcomes, of the children with disabilities who have high-intensity needs;

Note: Following the completion of the project period, grantees are encouraged to engage in ongoing data collection activities.

(3) The methods of evaluation will produce quantitative and qualitative data for objective performance measures that are related to the outcomes of the proposed project; and

(4) The methods of evaluation will provide performance feedback and allow for periodic assessment of progress towards meeting the project outcomes. To address this requirement, the applicant must describe how—

(i) Results of the evaluation will be used as a basis for improving the proposed project to prepare special education, early intervention, or related services personnel to provide (a) focused instruction; and (b) intensive individualized intervention(s) in an interdisciplinary team-based approach to improve outcomes of children with disabilities who have high-intensity needs; and

(ii) The grantee will report the evaluation results to OSEP in its annual and final performance reports;

(d) Demonstrate, in the narrative under ''Project Assurances'' or in the applicable appendices, that the following program requirements are met. The applicant must—

(1) Provide scholar support for participants from two or more graduate degree programs partnering in the proposed interdisciplinary personnel preparation project. Consistent with 34 CFR 304.30, each scholar must (a) receive support for no less than one academic year, and (b) be eligible to fulfill service obligation requirements following degree program completion. Funding across degree programs may be applied differently;

(2) Include in Appendix B of the application—

(i) Table(s) that summarize the required program of study for each degree program and that clearly delineate the shared coursework, group assignments, and coordinated field experiences required of all project scholars to support interdisciplinary practice;

(ii) Course syllabi for all coursework in the major of each degree program and all shared courses, group assignments, and coordinated field experiences required of project scholars; and

(iii) Learning outcomes for proposed coursework;

(3) Ensure that a comprehensive set of completed syllabi, including syllabi created or revised as part of a project planning year, are submitted to OSEP by the end of year one of the grant;

(4) Ensure scholars will not be selected based on race, ethnicity, or national origin. Per the Supreme Court's decision in *Adarand Constructors, Inc.* v. *Pena,* 515 U.S. 200 (1995), the Department does not allow the selection of individuals on the basis of race, ethnicity, or national origin. For this reason, grantees must ensure that any discussion of the recruitment of scholars based on race, ethnicity, or national origin distinguishes between increasing the pool of applicants and actually selecting scholars;

(5) Ensure that the project will meet all requirements in 34 CFR 304.23, particularly those related to (a) informing all scholarship recipients of their service obligation commitment and (b) disbursing scholar support. Failure by a grantee to properly meet these requirements would be a violation of the grant award that could result in sanctions, including the grantee being liable for returning any misused funds to the Department;

(6) Ensure that prior approval from the OSEP project officer will be obtained before admitting additional scholars beyond the number of scholars proposed in the application and before transferring a scholar to another OSEP-funded grant;

(7) Ensure that the project will meet the statutory requirements in section 662(e) through (h) of IDEA;

(8) Ensure that at least 65 percent of the total award over the project period (*i.e.,* up to 5 years) will be used for scholar support. Applicants proposing to use year one for program development may budget for less than 65 percent of the total requested budget over the 5 years for scholar support;

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includes (a) not less than the lowest performing 5 percent of all schools in the State receiving funds under Title I, Part A of the ESEA; (b) all public high schools in the State failing to graduate one third or more of their students; and (c) public schools in the State described under section 1111(d)(3)(A)(i)(II) of the ESEA.

[12] For the purposes of this priority, ''school implementing a targeted support and improvement plan'' means a school identified for targeted support and improvement by a State that has developed and is implementing a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system as defined in section 1111(d)(2) of the ESEA.

such applicants must ensure that 65 percent of the total award minus funds allocated for program development will be used for scholar support;

(9) Ensure that the institution of higher education (IHE) at which scholars are enrolled in the program will not require those scholars to work (*e.g.,* as graduate assistants) as a condition of receiving support (*e.g.,* tuition, stipends) from the proposed project, unless the work is specifically related to the acquisition of scholars' competencies or the requirements for completion of their personnel preparation program. This prohibition on work as a condition of receiving support does not apply to the service obligation requirements in section 662(h) of IDEA;

(10) Demonstrate, in the budget information (ED 524, Section B) and budget narrative, matching support for the proposed project at 10 percent of the total amount of the grant. Applicants must propose the amount of cash or in-kind resources;

Note: Under 34 CFR 75.562, educational training grants under this program have an 8 percent limit on indirect costs. The difference between a grantee's negotiated indirect cost rate and the 8 percent limit cannot be used to meet this absolute priority.

Matching support can be either cash or in-kind donations. Under 2 CFR 200.306, a cash expenditure or outlay of cash with respect to the matching budget by the grantee is considered a cash contribution. Certain cash contributions that the organization normally considers an indirect cost should not be counted as a direct cost for the purposes of meeting matching support. Unrecovered indirect costs cannot be used to meet the non-Federal matching support. Under 2 CFR 200.434, third-party in-kind contributions are services or property (*e.g.,* land, buildings, equipment, materials, supplies) that are contributed by a non-Federal third party at no charge to the grantee.

To the maximum extent possible, OSEP encourages matching support be used toward scholar support.

(11) Ensure that the budget includes attendance of the project director at a three-day project directors' meeting in Washington, DC, during each year of the project;

(12) Ensure that the project director, key personnel, and, as appropriate, scholars will actively participate in the cross-project collaboration, advanced trainings, and cross-site learning opportunities (*e.g.,* webinars, briefings) organized by OSEP. This partnership will be used to build capacity of participants, increase the impact of funding, and promote innovative and interdisciplinary service delivery models across projects;

(13) Ensure that if the project maintains a website, relevant information and documents are in a format that meets government or industry-recognized standards for accessibility; and

(14) Ensure that annual data will be submitted on each scholar who receives grant support (OMB Control Number 1820–0686). The primary purposes of the data collection are to track the service obligation fulfillment of scholars who receive funds from OSEP grants and to collect data for program performance measure reporting under the Government Performance and Results Modernization Act of 2010 (GPRA). Applicants are encouraged to visit the Personnel Development Program Data Collection System (DCS) website at *https://pdp.ed.gov/osep* for further information about this data collection requirement. Typically, data collection begins in January of each year, and grantees are notified by email about the data collection period for their grant, although grantees may submit data as needed, year round. This data collection must be submitted electronically by the grantee and does not supplant the annual grant performance report required of each grantee for continuation funding (see 34 CFR 75.590). Data collection includes the submission of a signed, completed Pre-Scholarship Agreement and Exit Certification for each scholar funded under an OSEP grant (see paragraph (5) of this section).

Competitive Preference Priorities: Within this absolute priority, we give competitive preference to applications that address the following priorities.

In accordance with 34 CFR 75.105(b)(2)(v), Competitive Preference Priority 1 is from allowable activities specified in the statute (see sections 662 and 681 of the IDEA (20 U.S.C. 1462 and 1481)). Competitive Preference Priority 2 is from the Department's Administrative Priorities for Discretionary Grant Programs published in the **Federal Register** on March 9, 2020 (85 FR 13640) (Administrative Priorities).

Under 34 CFR 75.105(c)(2)(i), we award up to an additional 5 points to an application, depending on how well the application meets Competitive Preference Priority 1, and an additional 7 points to an application that meets Competitive Preference Priority 2. Applicants should indicate in the abstract which, if any, competitive preference priorities are addressed.

These priorities are:

Competitive Preference Priority 1 (0 to 5 points).

Applicants that demonstrate matching support [13] for the proposed project at—

(i) 20 percent of the total amount of the grant (2 points);

(ii) 30 percent of the total amount of the grant (3 points);

(iii) 40 percent of the total amount of the grant (4 points); or

(iv) 50 percent of the total amount of the grant (5 points).

Note: Under 34 CFR 75.562, educational training grants under this program have an 8 percent limit on indirect costs. The difference between an applicant's negotiated indirect cost rate (*e.g.,* 40 percent) and the 8 percent limit cannot be used to meet any portion of the competitive preference priority.

Note: Applicants must address this competitive preference priority, if applicable, in the budget information (ED 524, Section B) and the budget narrative. The applicant must propose the amount of cash or in-kind resources to be contributed for each year of the grant.

Competitive Preference Priority 2—Applications from New Potential Grantees (0 or 7 points).

(a) Under this priority, an applicant must demonstrate that the applicant has not had an active discretionary grant under the program from which it seeks funds, including through membership in a group application submitted in accordance with 34 CFR 75.127–75.129, five years before the deadline date for submission of applications under the program.

(b) For the purpose of this priority, a grant or contract is active until the end of the grant's or contract's project or funding period, including any extensions of those periods that extend the grantee's or contractor's authority to obligate funds.

References

Boe, E. E., deBettencourt, L., Dewey, J. F., Rosenberg, M. S., Sindelar, P. T., & Leko, C. D. (2013). Variability in demand for special education teachers: Indicators, explanations, and impacts. *Exceptionality, 21*(2), 103–125.

[13] For the purposes of this priority, matching support can be either cash or in-kind donations. According to 2 CFR 200.306, a cash expenditure or an outlay of cash with respect to the matching budget by the grantee is considered a cash contribution. Certain cash contributions that the organization normally considers an indirect cost should not be counted as a direct cost for the purposes of meeting matching support. According to 2 CFR 200.434, third-party in-kind contributions are services or property (*e.g.,* land, buildings, equipment, materials, supplies) that are contributed by a non-Federal third-party at no charge to the grantee.

Browder, D. M., Wood, L., Thompson, J., & Ribuffo, C. (2014). *Evidence-based practices for students with severe disabilities* (Document No. IC–3). *http://ceedar.education.ufl.edu/tool/innovation-configurations/.*

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National Professional Development Center on Inclusion. (August, 2011). *Competencies for early childhood educators in the context of inclusion: Issues and guidance for States.* The University of North Carolina, FPG Child Development Institute.

Smith, J. (2010). An interdisciplinary approach to preparing early intervention professionals: A university and community collaborative initiative. *Teacher Education and Special Education, 33*(2), 131–142.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the absolute priority and Competitive Preference Priority 1 in this notice.

Program Authority: 20 U.S.C. 1462 and 1481.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 304. (e) The Administrative Priorities.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $1,000,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2021 from the list of unfunded applications from this competition.

Estimated Range of Awards: $200,000–$250,000.

Estimated Average Size of Awards: $225,000.

Maximum Award: We will not make an award exceeding $250,000 for a single budget period of 12 months.

Estimated Number of Awards: 4.

Project Period: Up to 60 months.

Note: The Department is not bound by any estimates in this notice.

III. Eligibility Information

1. *Eligible Applicants:* IHEs and private nonprofit organizations.

2. *Cost Sharing or Matching:* Cost sharing or matching is required for this competition. See the absolute priority.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application. Under 34 CFR 75.708(e), a grantee may contract for supplies, equipment, and other services in accordance with 2 CFR part 200.

4. *Other General Requirements:* (a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants for, and recipients of, funding must, with respect to the aspects of their proposed project relating to the absolute priority, involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application.

2. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

4. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 50 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the recommended page limit does apply to all of the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are as follows:

(a) *Significance (10 points).*

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project will prepare personnel for fields in which shortages have been demonstrated; and

(ii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(b) *Quality of project services (45 points).*

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the

quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In determining the quality of the project services, the Secretary considers the following factors:

(i) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice;

(ii) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services;

(iii) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services; and

(iv) The extent to which the proposed activities constitute a coherent, sustained program of training in the field.

(c) *Quality of the project evaluation (25 points).*

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project;

(ii) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable;

(iii) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible; and

(iv) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(d) *Quality of project personnel, quality of the management plan, and adequacy of resources (20 points).*

(1) The Secretary considers the quality of the project personnel, the quality of the management plan, and the adequacy of resources for the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of key project personnel;

(ii) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks;

(iii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project;

(iv) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization; and

(v) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

5. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* Under GPRA, the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Personnel Development to Improve Services and Results for Children with Disabilities program. These measures include: (1) The percentage of preparation programs that incorporate scientifically or evidence-based practices into their curricula; (2) the percentage of scholars completing preparation programs who are knowledgeable and skilled in evidence-based practices that improve outcomes for children with disabilities; (3) the percentage of scholars who exit preparation programs prior to completion due to poor academic performance; (4) the percentage of scholars completing preparation programs who are working in the area(s) in which they were prepared upon program completion; and (5) the Federal cost per scholar who completed the preparation program.

In addition, the Department will gather information on the following outcome measures: (1) The percentage of scholars who completed the preparation program and are employed in high-need districts; (2) the percentage of scholars who completed the preparation program and are employed in the field of special education for at least two years; and (3) the percentage of scholars who completed the preparation program and who are rated effective by their employers.

Grantees may be asked to participate in assessing and providing information on these aspects of program quality.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) on request to the program contact persons listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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

Mark Schultz,

Commissioner, Rehabilitation Services Administration. Delegated the authority to perform the functions and duties of the Assistant Secretary for the Office of Special Education and Rehabilitative Services.

[FR Doc. 2020–06522 Filed 3–27–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0055]

Agency Information Collection Activities; Comment Request; Loan Discharge Application: Forgery

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 29, 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–0055. 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: Loan Discharge Application: Forgery.

OMB Control Number: 1845–0148.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 2,786.

Total Estimated Number of Annual Burden Hours: 2,786.

Abstract: This requests is for an extension of the information collection to approve a form used to obtain information from federal student loan borrowers who allege that the loan(s) in their name were the result of a forgery. This information is used by the Secretary to make a determination of forgery for the Direct Loans, FFEL Program Loans, and Federal Perkins Loans held by the Department. This information collection stems from the common law legal principal of forgery, which is not reflected specifically in the Department's statute or regulations, but with which the Department must comply.

Dated: March 25, 2020.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer.

[FR Doc. 2020–06536 Filed 3–27–20; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Introduction and Foundation of VVSG 2.0 Requirements; Correction

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice; corrections.

SUMMARY: The U.S. Election Assistance Commission published a document in the **Federal Register** on March 25, 2020, Public Hearing: Introduction and Foundation of VVSG 2.0 Requirements.

Correction

In the **Federal Register** on March 25, 2020, in FR Doc. 2020–06252, on page 16934 in the second column, correct the Supplementary Information to read:

SUPPLEMENTARY INFORMATION:

Agenda

Commissioners will hold a hearing to discuss the proposed Voluntary Voting System Guidelines (VVSG) 2.0 Requirements as submitted by the Technical Guidelines Development Committee (TGDC). The VVSG 2.0 Requirements are currently published for a 90-day public comment period. Commissioners will hear from a panel of experts who will provide an introduction to the VVSG process as well a high-level overview of the proposed VVSG 2.0 requirements. Commissioners will also hear from members of the public who wish to offer verbal testimony on the VVSG 2.0 requirements. Public testimony during the hearing will be limited to 3–5 minutes maximum per person. If you would like to participate in public testimony, please contact Jerome Lovato (*jlovato@eac.gov*) with your full name and phone number no later than 9:50 a.m. Eastern Time on March 27, 2020. For dial-in users, you will be identified by your area code and the last three digits of your phone number, so please provide the phone number that you will use during the hearing.

The TGDC unanimously approved to recommend VVSG 2.0 Requirements on February 7, 2020, and sent the Requirements to the EAC Acting Executive Director via the Director of the National Institute of Standards and Technology (NIST), in the capacity of the Chair of the TGDC on March 9, 2020. Upon adoption, the VVSG 2.0 would become the fifth iteration of national level voting system standards. The Federal Election Commission published the first two sets of federal standards in 1990 and 2002. The EAC then adopted Version 1.0 of the VVSG on December 13, 2005. In an effort to update and improve version 1.0 of the VVSG, on March 31, 2015, the EAC commissioners unanimously approved VVSG 1.1.

FOR FURTHER INFORMATION CONTACT: Jerome Lovato, Telephone: (301) 960–1216, Email: *jlovato@eac.gov.*

Amanda Joiner,

Associate Counsel, U.S. Election Assistance Commission.

[FR Doc. 2020–06523 Filed 3–27–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Notice of Orders Issued Under Section 3 of the Natural Gas Act During February 2020

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of orders.

	FE Docket Nos.
TEXAS LNG BROWNSVILLE LLC	15–62–LNG
CORPUS CHRISTI LIQUEFACTION STAGE III, LLC	18–78–LNG
ANNOVA LNG COMMON INFRASTRUCTURE, LLC	19–34–LNG
RIO GRANDE LNG, LLC	15–190–LNG
SPRAGUE OPERATING RESOURCES	20–05–NG; 19–132–NG
NFENERGÍA LLC	20–07–NG
PHILLIPS 66 COMPANY	20–10–NG
WHITE EAGLE TRADING, LLC	20–11–NG
NJR ENERGY SERVICES COMPANY	20–13–NG
CENTRAL VALLE HERMOSO, S.A. DE C.V	20–06–NG
EXCELERATE ENERGY L.P	20–09–LNG
CONSTELLATION LNG, LLC	20–12–LNG
DOMINION ENERGY COVE POINT LNG, LP	19–156–LNG

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during February 2020, it issued orders granting authority to import and export natural gas, to import and export liquefied natural gas (LNG), and to vacate prior authorization. These orders are summarized in the attached appendix and may be found on the FE website at *https://www.energy.gov/fe/listing-doefe-authorizationsorders-issued-2020.* They are also available for inspection and copying in the U.S. Department of Energy (FE–34), Division of Natural Gas Regulation, Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9387. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Signed in Washington, DC, on March 23, 2020.

Amy Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Oil and Natural Gas.

Appendix

DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS

4489	02/10/20	15–62–LNG	Texas LNG Brownsville LLC	Opinion and Order 4489 granting long-term authority to export LNG to Non-Free Trade Agreement Nations.
4490	02/10/20	18–78–LNG	Corpus Christi Liquefaction Stage III, LLC.	Opinion and Order 4490 granting long-term authority to export LNG to Non-Free Trade Agreement Nations.
4491	02/10/20	19–34–LNG	Annova LNG Common Infrastructure, LLC.	Opinion and Order 4491 granting long-term authority to export LNG to Non-Free Trade Agreement Nations.
4492	02/10/20	15–190–LNG	Rio Grande LNG, LLC	Opinion and Order 4492 granting long-term authority to export LNG to Non-Free Trade Agreement Nations.
4499; 4466–A	02/13/20	20–05–NG; 19–23–NG	Sprague Operating Resources LLC.	Order 4499 granting blanket authority to import natural gas from Canada, and vacating prior authorization (Order 4466–A).
4500	02/13/20	20–07–NG	NFEnergía LLC	Order 4500 granting blanket authority to import LNG from various international sources by vessel.
4501	02/13/20	20–10–NG	Phillips 66 Company	Order 4501 granting blanket authority to import natural gas from Canada.
4502	02/13/20	20–11–NG	White Eagle Trading, LLC	Order 4502 granting blanket authority to import/export natural gas from/to Mexico.
4503	02/13/20	20–13–NG	NJR Energy Services Company.	Order 4503 granting blanket authority to import/export natural gas from/to Canada.
4504	02/13/20	20–06–NG	Central Valle Hermoso, S.A. de C.V.	Order 4504 granting blanket authority to import/export natural gas from/to Mexico.
4505	02/13/20	20–09–LNG	Excelerate Energy L.P	Order 4505 granting blanket authority to import LNG from various international sources by vessel.
4506	02/13/20	20–12–LNG	Constellation LNG, LLC	Order 4506 granting blanket authority to import LNG from various international sources by vessel, and to export LNG to Canada by vessel.
4508	02/28/20	19–156–LNG	Dominion Energy Cove Point, LP.	Order 4508 granting blanket authority to export LNG to Free Trade and Non-Free Trade Agreement Nations.

[FR Doc. 2020–06511 Filed 3–27–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Advanced Scientific Computing Advisory Committee; Meeting

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Advanced Scientific Computing Advisory Committee (ASCAC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, April 23, 2020; 11:00 a.m.–3:00 p.m. EDT; Friday, April 24, 2020; 11:00 a.m.–3:00 p.m. EDT.

ADDRESSES: Teleconference: Remote attendance of the Advanced Scientific Computing Advisory Committee meeting will be possible via Zoom. Instructions will be posted on the Advanced Scientific Computing Advisory Committee website at: *https://science.osti.gov/ascr/ascac* prior to the meeting and can also be obtained by contacting Christine Chalk by email at *christine.chalk@science.doe.gov* or by phone at (301) 903–5152.

FOR FURTHER INFORMATION CONTACT: Christine Chalk, Office of Advanced Scientific Computing Research; SC–21/Germantown Building; U.S. Department of Energy; 1000 Independence Avenue SW, Washington, DC 20585–1290; Telephone (301) 903–7486; *christine.chalk@science.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the committee is to provide advice and guidance on a continuing basis to the Office of Science and to the Department of Energy on scientific priorities within the field of advanced scientific computing research.

Purpose of the Meeting: This meeting is the semi-annual meeting of the Committee.

Tentative Agenda Topics:

- View from Washington
- View from Germantown
- Update on Exascale project activities
- Report from Subcommittee on 40 years of investments by the Department of Energy in advanced computing and networking
- Report from Exascale Transition Subcommittee
- Update from the Subcommittee on AI coordination across Office of Science programs
- Technical presentations
- Public Comment (10-minute rule)

The meeting agenda includes an update on the budget, accomplishments and planned activities of the Advanced Scientific Computing Research program and the exascale computing project; an update from the Office of Science; technical presentations from funded researchers; and there will be an opportunity for comments from the public. The meeting will conclude at 3:00 p.m. EDT on April 24, 2020. Agenda updates and presentations will be posted on the ASCAC website prior to the meeting: *https://science.osti.gov/ascr/ascac.*

Public Participation: The meeting is open to the public. Individuals and representatives of organizations who would like to offer comments and suggestions may do so during the meeting. Approximately 30 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but will not exceed 10 minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to speak should submit your request at least five days before the meeting. Those not able to attend the meeting or who have insufficient time to address the committee are invited to send a written statement to Christine Chalk, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, email to *Christine.Chalk@science.doe.gov.*

Minutes: The minutes of this meeting will be available within 60 days on the Advanced Scientific Computing website at: *https://science.osti.gov/ascr/ascac.*

Signed in Washington, DC, on March 20, 2020.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2020–06510 Filed 3–27–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 20–23–LNG]

Port Arthur LNG Phase II, LLC; Application for Long-Term, Multi-Contract Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Nations

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice (Notice) of receipt of an application (Application), filed on February 28, 2020, by Port Arthur LNG Phase II, LLC (PALNG Phase II). The Application requests long-term, multi-contract authorization to export domestically produced liquefied natural gas (LNG) in a volume equivalent to approximately 698 billion cubic feet per year (Bcf/yr) of natural gas. PALNG Phase II seeks to export this LNG from two proposed LNG trains, Trains 3 and 4 (the Expansion Project), to be built at the proposed Port Arthur LNG terminal in Jefferson County, Texas. PALNG Phase II filed the Application under section 3 of the Natural Gas Act (NGA). Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, April 29, 2020.

ADDRESSES:

Electronic Filing by email: fergas@hq.doe.gov.

Regular Mail: U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Kyle W. Moorman or Amy Sweeney, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–7970 or (202) 586–2627, *kyle.moorman@hq.doe.gov* or *amy.sweeney@hq.doe.gov*

Cassandra Bernstein, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9793, *cassandra.bernstein@hq.doe.gov*

SUPPLEMENTARY INFORMATION: PALNG Phase II requests long-term, multi-contract authorization to export LNG from Trains 3 and 4 (the Expansion Project) that PALNG Phase II is proposing to construct, own, and operate at the Port Arthur LNG terminal. PALNG Phase II's affiliate, Port Arthur LNG, LLC, previously received approval from the Federal Energy Regulatory Commission (FERC) to construct the Port Arthur LNG terminal, where Port Arthur LNG, LLC plans to build Trains 1 and 2 (the Base Project).

PALNG Phase II requests authority to export LNG in a volume up to 13.5 million metric tons per annum (mtpa), which it states is equivalent to approximately 698 Bcf/yr of natural gas. PALNG Phase II requests authorization to export the LNG to: (i) Any nation with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA nations), and (ii) any other nation with which trade is not prohibited by U.S. law or policy (non-FTA nations). This Notice applies only to the portion of the Application requesting authority to export LNG to non-FTA countries pursuant to section 3(a) of the NGA, 15 U.S.C. 717b(a). DOE/FE will review PALNG Phase II's request for a FTA export authorization separately pursuant to section 3(c) of the NGA, 15 U.S.C. 717b(c).

PALNG Phase II requests the authorization on its own behalf and as agent for other entities that will hold title to the LNG at the point of export. PALNG Phase II further requests that the authorization: (i) Commence on the earlier of the date of first export or seven years from the issuance of the requested authorization, and (ii) terminate on the later of the date that is 20 years from the date of the commencement of the term or December 31, 2050. Additional details can be found in PALNG Phase II's Application, posted on the DOE/FE website at: *https://www.energy.gov/fe/*

downloads/port-arthur-lng-phase-ii-llc-fe-dkt-no-20-23-lng.

DOE/FE Evaluation

In reviewing PALNG Phase II's request, DOE will consider any issues required by law or policy. DOE will consider domestic need for the natural gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. As part of this analysis, DOE will consider the study entitled, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports* (2018 LNG Export Study),[1] and DOE/FE's response to public comments received on that Study.[2]

Additionally, DOE will consider the following environmental documents:

- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States,* 79 FR 48132 (Aug. 15, 2014);[3]
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States,* 79 FR 32260 (June 4, 2014);[4] and
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update,* 84 FR 49278 (Sept. 19, 2019), and DOE/FE's response to public comments received on that study.[5]

Parties that may oppose this Application should address these issues and documents in their comments and protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Interested parties will be provided 30 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to *fergas@hq.doe.gov,* with FE Docket No. 20–23–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation, Analysis, and Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation, Analysis, and Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 20–23–LNG. *Please Note:* If submitting a filing via email, please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this Notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Office of Regulation, Analysis, and Engagement docket room, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene, notices of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: *http://www.fe.doe.gov/programs/gasregulation/index.html.*

Signed in Washington, DC, on March 24, 2020.

Amy Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Oil and Natural Gas.

[FR Doc. 2020–06512 Filed 3–27–20; 8:45 am]

BILLING CODE 6450–01–P

[1] *See* NERA Economic Consulting, Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports (June 7, 2018), *available at: https://www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf.*

[2] U.S. Dep't of Energy, Study on Macroeconomic Outcomes of LNG Exports: Response to Comments Received on Study; Notice of Response to Comments, 83 FR 67251 (Dec. 28, 2018).

[3] The Addendum and related documents are available at: *http://energy.gov/fe/draft-addendum-environmental-review-documents-concerning-exports-natural-gas-united-states.*

[4] The 2014 Life Cycle Greenhouse Gas Report is available at: *http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states.*

[5] U.S. Dep't of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update—Response to Comments, 85 FR 72 (Jan. 2, 2020). The 2019 Update and related documents are available at: *https://fossil.energy.gov/app/docketindex/docket/index/21.*

DEPARTMENT OF ENERGY

Notice of Request for Information (RFI) on the Building Technologies Office's Draft Connected Communities Funding Opportunity Announcement (DE–FOA–0002291)

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Request for information (RFI).

SUMMARY: The U.S. Department of Energy (DOE) invites public comment on its Request for Information (RFI) number DE–FOA–0002291 regarding the Building Technologies Office's (BTO) Draft Connected Communities Funding Opportunity Announcement (FOA).

This RFI pertains to a draft Funding Opportunity Announcement (FOA) planned to be issued by the Office of Energy Efficiency and Renewable Energy, Building Technologies Office in collaboration with the Vehicle Technologies Office (VTO), Solar Energy Technologies Office (SETO) and the Office of Electricity (OE) on Connected Communities of Grid-interactive Efficient Buildings. The purpose of this RFI is to solicit feedback from utilities, industry, academia, research laboratories, government agencies, and other stakeholders on issues related to Grid-interactive Efficient Buildings in Connected Communities. EERE is

specifically interested in information on the draft Connected Communities FOA goals and design.

DATES: Responses to the RFI must be received by 5:00pm (ET) on Tuesday, May 12, 2020.

ADDRESSES: Interested parties are to submit comments electronically to *CCPilotsRFI@ee.doe.gov.* Include Connected Communities in the subject of the title. Responses must be provided as attachments to an email. Only electronic responses will be accepted. The complete RFI document is located at *https://eere-exchange.energy.gov/.*

FOR FURTHER INFORMATION CONTACT: Question may be addressed to *CCPilotsRFI@ee.doe.gov,* or Dale Hoffmeyer, (202)-586–8163, *Dale.Hoffmeyer@ee.doe.gov.* Further instruction can be found in the RFI document posted on EERE Exchange.

SUPPLEMENTARY INFORMATION: The goal of this potential FOA is to demonstrate, through regional pilots, the ability of groups of efficient buildings to provide additive benefits to the electricity system including peak demand reduction, reduced capacity and energy needs, and other grid services through demand flexibility. This includes the ability to reduce, shift and modulate load or generate energy in both existing and new communities across diverse climates, geographies, building types and grid/regulatory structures, while maintaining (if not enhancing) occupant satisfaction and productivity. Connected communities builds on BTO's current Grid-interactive Efficient Buildings (GEB) research initiative: *https://www.energy.gov/eere/buildings/grid-interactive-efficient-buildings.* DOE is seeking input from the public regarding the designs and goals of the potential FOA, including items such as: technical requirements; funding and cost share requirements; period of performance requirements; data sharing, measurement and validation requirements; and other relevant issues. The RFI is available at: *https://eere-exchange.energy.gov/.*

Confidential Business Information

Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: one copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Signed in Washington, DC, on March 12, 2020.

David Nemtzow,

Director, Building Technologies Office.

[FR Doc. 2020–06553 Filed 3–27–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP20–674–000.

Applicants: Elba Express Company, L.L.C.

Description: Compliance filing Annual Interruptible Revenue Crediting Report 2020.

Filed Date: 3/23/20.

Accession Number: 20200323–5054.

Comments Due: 5 p.m. ET 4/6/20.

Docket Numbers: RP20–675–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 032320 Negotiated Rates—Twin Eagle Resource Management R–7300–18 to be effective 4/1/2020.

Filed Date: 3/23/20.

Accession Number: 20200323–5058.

Comments Due: 5 p.m. ET 4/6/20.

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 24, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–06532 Filed 3–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP19–495–000]

Double E Pipeline, LLC; Notice of Availability of the Environmental Assessment for the Proposed Double E Pipeline Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Double E Pipeline Project (Project), proposed by Double E Pipeline, LLC (Double E) in the above-referenced docket. Double E filed an application in Docket No. CP19–495–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. Double E requests authorization to construct and operate approximately 135 combined miles of varying diameter trunk-lines and lateral pipeline connecting the Delaware Basin production areas in New Mexico and Texas to the Waha Hub. The proposed trunkline and lateral pipelines run through Eddy County, New Mexico and Loving, Ward, Reeves, and Pecos Counties, Texas.

The EA assesses the potential environmental effects of the construction and operation of the Double E Pipeline Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed Project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Department of Interior Bureau of Land Management (BLM) participated as a cooperating agency in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The BLM will adopt and use the EA to issue a Right-of-Way Grant and Temporary Use Permits for the portion of the Project on federal lands.

The proposed Double E Pipeline Project includes the following facilities:

- Approximately 33.3 miles of new 30-inch-diameter T100 pipeline from Summit Midstream Partners, LP's existing Lane Processing Plant located in Eddy County, New Mexico, to the proposed Poker Lake Meter Station site, also in Eddy County;

• 84.2 miles of new 42-inch-diameter T200 pipeline from the proposed Poker Lake Meter Station in Eddy County, New Mexico through Loving, Ward, and Reeves Counties, Texas and terminating at the proposed Waha Receiver and Separation site in Reeves County, Texas;

• 1.4 miles of new 42-inch-diameter T300 pipeline from the proposed Double E Waha Receiver and Separation site in Reeves County, Texas to the final delivery locations in Pecos County, Texas; and

• 16.4 miles of new 30-inch-diameter L100 pipeline from the existing Loving Processing Plants to the proposed T100 pipeline in Eddy County, New Mexico.

The Commission mailed a copy of the *Notice of Availability* to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the Environmental Documents page (*https://www.ferc.gov/industries/gas/enviro/eis.asp*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://www.ferc.gov/docs-filing/elibrary.asp*), click on General Search, and enter the docket number in the Docket Number field, excluding the last three digits (*i.e.* CP19–495). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before 5:00 p.m. Eastern Time on April 23, 2020.

For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on eRegister. You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP19–495–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.* Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission may grant affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: March 24, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–06560 Filed 3–27–20; 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: EG20–107–000.

Applicants: LA3 West Baton Rouge, LLC.

Description: Self-Certification of EG of LA3 West Baton Rouge, LLC.

Filed Date: 3/24/20.

Accession Number: 20200324–5015.

Comments Due: 5 p.m. ET 4/14/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–2280–005.

Applicants: Alliant Energy Corporate Services, Inc.

Description: Compliance filing: AECS Schedule 2 Compliance Filing to be effective 3/1/2019.

Filed Date: 3/24/20.

Accession Number: 20200324–5080.

Comments Due: 5 p.m. ET 4/14/20.

Docket Numbers: ER19–1934–003.

Applicants: Tucson Electric Power Company.

Description: Compliance filing: Order No. 845 Compliance Filing to be effective 5/22/2019.

Filed Date: 3/24/20.

Accession Number: 20200324–5081.

Comments Due: 5 p.m. ET 4/14/20.

Docket Numbers: ER19–1935–002.

Applicants: UNS Electric, Inc.

Description: Compliance filing: Order No. 845 Compliance Filing to be effective 5/22/2019.

Filed Date: 3/24/20.

Accession Number: 20200324–5079.

Comments Due: 5 p.m. ET 4/14/20.

Docket Numbers: ER19–1954–001.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Order No. 845 Compliance Filing in Response to Janaury 23 Order to be effective 12/31/9998.

Filed Date: 3/24/20.

Accession Number: 20200324–5087.

Comments Due: 5 p.m. ET 4/14/20.

Docket Numbers: ER20–1370–000.
Applicants: Idaho Power Company.
Description: § 205(d) Rate Filing: Attachment O, Section 8 to be effective 5/22/2020.
Filed Date: 3/23/20.
Accession Number: 20200323–5173.
Comments Due: 5 p.m. ET 4/13/20.
Docket Numbers: ER20–1371–000.
Applicants: Public Service Company of Colorado.
Description: Compliance filing: OATT_Att O–PSCo_Table 25_Change Eff Date to be effective 1/1/2020.
Filed Date: 3/24/20.
Accession Number: 20200324–5050.
Comments Due: 5 p.m. ET 4/14/20.
Docket Numbers: ER20–1372–000.
Applicants: Public Service Company of Colorado.
Description: Compliance filing: MB—Prod Depr Rate Rev Eff Date to be effective 1/1/2020.
Filed Date: 3/24/20.
Accession Number: 20200324–5053.
Comments Due: 5 p.m. ET 4/14/20.
Docket Numbers: ER20–1373–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original ISA, SA No. 5604; Queue No. AC1–164 to be effective 2/24/2020.
Filed Date: 3/24/20.
Accession Number: 20200324–5062.
Comments Due: 5 p.m. ET 4/14/20.
Docket Numbers: ER20–1374–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2020–03–24_SA 3454 Entergy Arkansas—Flat Fork Solar GIA (J907) to be effective 3/10/2020.
Filed Date: 3/24/20.
Accession Number: 20200324–5077.
Comments Due: 5 p.m. ET 4/14/20.
Docket Numbers: ER20–1375–000.
Applicants: Southern California Edison Company.
Description: Tariff Cancellation: Notice of Cancellation SEPV Sierra & Division Solar Projects WDT290a & WDT290b to be effective 3/6/2020.
Filed Date: 3/24/20.
Accession Number: 20200324–5086.
Comments Due: 5 p.m. ET 4/14/20.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 24, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–06531 Filed 3–27–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Southeastern Power Administration

Proposed Rate Schedules for Kerr-Philpott System

AGENCY: Southeastern Power Administration, DOE.

ACTION: Notice of proposed rates and opportunities for public review and comment.

SUMMARY: Southeastern Power Administration (Southeastern) proposes to update and extend existing schedules of rates and charges applicable to the sale of power from the Kerr-Philpott System effective October 1, 2020, through September 30, 2025. Interested persons may review the rates and supporting studies and submit written comments. Southeastern will consider all comments received in this process.

DATES: Written comments are due on or before April 29, 2020. In accordance with 10 CFR 903.23(a), Southeastern has determined that it is not necessary to hold public information or public comment forums for this rate action but is initiating a 30-day consultation and comment period to give the public an opportunity to comment on the proposed extension. Southeastern will review and consider all timely comments at the conclusion of the consultation and comment period and make adjustments to the proposal as appropriate.

ADDRESSES: Written comments should be submitted to: Administrator, Southeastern Power Administration, U. S. Department of Energy, 1166 Athens Tech Road, Elberton, GA. 30635–6711 or Email: *Comments@sepa.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Virgil G. Hobbs III, Assistant Administrator, Finance and Marketing, Southeastern Power Administration, U.S. Department of Energy, 1166 Athens Tech Road, Elberton, GA 30635–6711, (706) 213–3838; Email: *Virgil.Hobbs@sepa.doe.gov.*

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (FERC), by order issued February 24, 2016, 154 FERC ¶ 62,129, confirmed and approved Rate Schedules VA–1–C, VA–2–C, VA–3–C, VA–4–C, DEP–1–C, DEP–2–C, DEP–3–C, DEP–4–C, AP–1–C, AP–2–C, AP–3–C, AP–4–C, NC–1–C, and Replacement-2–B, for the period October 1, 2015, through September 30, 2020. A repayment study prepared in February of 2020 showed existing rates are adequate to recover all costs required by present repayment criteria. However, approval of the existing rate schedules expires September 30, 2020.

The existing rate schedules include an annual true-up mechanism for the capacity and energy rates based on the variance of the actual net revenue available for repayment from the planned net revenue available for repayment. The adjustment is for every $100,000 under-recovery of the planned net revenue available for repayment, the base capacity charge is increased by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and the base energy charge is increased by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour. For every $100,000 over-recovery of the planned net revenue available for repayment, the base capacity charge is reduced by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and the base energy charge is reduced by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour.

The initial base capacity charge for the current rate schedules was $4.40 per kilowatt per month. The initial base energy charge was 17.80 mills per kilowatt-hour. As of April 1, 2020, the base capacity charge has been adjusted to $3.65 per kilowatt per month and the base energy charge has been adjusted to 14.80 mills per kilowatt-hour for net revenue available for repayment. The existing rates are adequate to meet repayment criteria. The annual true-ups incorporated in the rate schedules have proven to be effective in matching revenue available for repayment to planned amounts. Southeastern is proposing to maintain the initial base rate of $4.40 per kilowatt per month for capacity and the initial base energy charge of 17.80 mills per kilowatt-hour and the annual true-up mechanism.

Proposed Unit Rates

The initial base rates for capacity and energy will be as follows:

Capacity: $4.40 per kW per month
Energy: 17.80 mills per kWh

The rates are based on a repayment study estimating the Kerr-Philpott System will produce the following net revenue available for repayment (rounded to nearest $10,000):

Fiscal year	Estimated annual net revenue available for repayment	Cumulative net revenue available for repayment
2020	$200,000	$200,000
2021	2,560,000	2,760,000
2022	2,940,000	5,700,000
2023	2,360,000	8,060,000
2024	2,430,000	10,490,000
2025	2,130,000	12,620,000
2026	2,210,000	14,830,000
2027	2,310,000	17,140,000
2028	2,420,000	19,560,000
2029	2,530,000	22,090,000

The proposed rates continue a true-up of the capacity and energy rates based on the cumulative net revenue available for repayment from the table above. For every $100,000 under-recovery of the planned cumulative net revenue available for repayment, Southeastern will increase the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and increase the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour. For every $100,000 over-recovery of the planned cumulative net revenue available for repayment, Southeastern will reduce the base capacity charge by $0.02 per kilowatt per month, up to a maximum of $0.75 per kilowatt per month, and reduce the base energy charge by 0.10 mills per kilowatt-hour, up to a maximum of 3.0 mills per kilowatt-hour, to be implemented April 1 of the next fiscal year.

Southeastern is proposing the following rate schedules to be effective for the period from October 1, 2020, through September 30, 2025. The capacity charge and energy charge will be the same for all rate schedules. These rate schedules are necessary to accommodate the transmission and scheduling arrangements available in the Kerr-Philpott System.

Rate Schedule VA–1–D

Available to public bodies and cooperatives in Virginia and North Carolina to whom power may be transmitted and scheduled pursuant to contracts between the Government, Virginia Electric and Power Company (also known as Dominion Virginia Power [DVP]), and DVP's Transmission Operator, PJM Interconnection, LLC (PJM).

Rate Schedule VA–2–D

Available to public bodies and cooperatives in Virginia and North Carolina to whom power may be transmitted pursuant to contracts between the Government, DVP, and PJM. The customer is responsible for providing a scheduling arrangement with the Government.

Rate Schedule VA–3–D

Available to public bodies and cooperatives in Virginia and North Carolina to whom power may be scheduled pursuant to contracts between the Government, DVP, and PJM. The customer is responsible for providing a transmission arrangement.

Rate Schedule VA–4–D

Available to public bodies and cooperatives in the service area of DVP and PJM. The customer is responsible for providing a scheduling arrangement with the Government and for providing a transmission arrangement.

Rate Schedule DEP–1–D

Available to public bodies and cooperatives in North Carolina to whom power may be transmitted and scheduled pursuant to contracts between the Government and Duke Energy Progress.

Rate Schedule DEP–2–D

Available to public bodies and cooperatives in North Carolina to whom power may be transmitted pursuant to contracts between the Government and Duke Energy Progress. The customer is responsible for providing a scheduling arrangement with the Government.

Rate Schedule DEP–3–D

Available to public bodies and cooperatives in North Carolina to whom power may be scheduled pursuant to contracts between the Government and Duke Energy Progress. The customer is responsible for providing a transmission arrangement.

Rate Schedule DEP–4–D

Available to public bodies and cooperatives in the service area of Duke Energy Progress. The customer is responsible for providing a scheduling arrangement with the Government and for providing a transmission arrangement.

Rate Schedule AP–1–D

Available to public bodies and cooperatives in Virginia to whom power may be transmitted and scheduled pursuant to contracts between the Government, American Electric Power Service Corporation and the American Electric Power Service Corporation's Transmission Operator, PJM Interconnection, LLC (PJM).

Rate Schedule AP–2–D

Available to public bodies and cooperatives in Virginia to whom power may be transmitted pursuant to contracts between the Government, American Electric Power Service Corporation, and PJM. The customer is responsible for providing a scheduling arrangement with the Government.

Rate Schedule AP–3–D

Available to public bodies and cooperatives in Virginia to whom power may be scheduled pursuant to contracts between the Government, American Electric Power Service Corporation, and PJM. The customer is responsible for providing a transmission arrangement.

Rate Schedule AP–4–D

Available to public bodies and cooperatives in the service area of American Electric Power Service Corporation and PJM. The customer is responsible for providing a scheduling arrangement with the Government and for providing a transmission arrangement.

Rate Schedule NC–1–D

Available to public bodies and cooperatives in Virginia and North Carolina to whom power may be transmitted pursuant to a contract between the Government and PJM and scheduled pursuant to a contract between the Government and Duke Energy Progress.

Rate Schedule Replacement-2–C

This rate schedule shall be applicable to the sale of energy purchased to meet contract minimum energy and sold under appropriate contracts between the Government and the Customer.

The referenced repayment studies are available for examination at 1166 Athens Tech Road, Elberton, GA 30635. Proposed Rate Schedules VA–1–D, VA–2–D, VA–3–D, VA–4–D, DEP–1–D, DEP–2–D, DEP–3–D, DEP–4–D, AP–1–D, AP–2–D, AP–3–D, AP–4–D, NC–1–D, and Replacement-2–C are also available.

Dated: March 20, 2020.

Virgil G. Hobbs III,

Acting Administrator.

[FR Doc. 2020–06558 Filed 3–27–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Southeastern Power Administration

Proposed Rate Adjustment Cumberland System of Projects

AGENCY: Southeastern Power Administration, DOE.

ACTION: Notice of proposed rates, public forum, and opportunities for public review and comment.

SUMMARY: Southeastern Power Administration (Southeastern) proposes to revise existing schedules of rates and charges applicable to the sale of power from the Cumberland System of Projects effective October 1, 2020, through September 30, 2025. Interested persons may review the rates and supporting studies and submit written comments. Southeastern will consider all comments received in this process.

DATES: Written comments are due on or before June 29, 2020. A public information and comment forum will be held at the Southeastern Power Administration, 1166 Athens Tech Road, Elberton, GA, and also by webinar, on May 12, 2020, at 3:00 p.m. Persons desiring to attend the forum in person should notify Southeastern on or before April 29, 2020. Persons desiring to speak at the forum should notify Southeastern at least seven (7) days before the scheduled forum date, so a list of forum participants can be prepared. Notifications should be submitted by Email to *comments@sepa.doe.gov.* Others participating in the forum may speak if time permits. Unless Southeastern has been notified on or before April 29, 2020, that at least one person intends to participate in the forum in person, the forum will be held by webinar only.

ADDRESSES: The Tuesday, May 12, 2020, Webinar URL information is as follows: *https://usdeptofenergysepa.globalmeet.com/SEPA.* Call in information: +1 (800) 216–0770, Access Code: 509632. Written comments should be submitted to: Administrator, Southeastern Power Administration, U.S. Department of Energy, 1166 Athens Tech Road, Elberton, GA 30635–6711; Email: *Comments@sepa.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Virgil G. Hobbs III, Assistant Administrator, Finance and Marketing, Southeastern Power Administration, U.S. Department of Energy, 1166 Athens Tech Road, Elberton, GA 30635–6711, (706) 213–3838; Email: *virgil.hobbs@sepa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background of Existing Rates: The existing schedules of rates and charges applicable to the sale of power from the Cumberland System of Projects are effective through September 30, 2020. On May 6, 2016, the Federal Energy Regulatory Commission (FERC) confirmed and approved, on a final basis, Wholesale Power Rate Schedules CBR–1–I, CSI–1–I, CEK–1–I, CM–1–I, CC–1–J, CK–1–I, CTV–1–I, CTVI–1–B, and Replacement-3 applicable to Cumberland System of Projects power for a period ending September 30, 2020 (155 FERC ¶ 62,092).

Repayment Study: Existing rate schedules are based upon a January 2015 repayment study and other supporting data contained in FERC docket number EF15–12–000. The annual revenue requirement in this study was $63,500,000. An updated repayment study, dated February 2020, indicates rates are not adequate to recover cost increases identified and therefore do not meet repayment criteria. The additional costs are due to U.S. Army Corps of Engineers (Corps) Operation & Maintenance expense increases. The revised repayment study demonstrates an annual revenue requirement increase to $66,150,000 per year will meet repayment criteria. The increase in the annual revenue requirement is $2,650,000 per year, or about four percent.

Proposed Rates: The rate schedules recover cost from capacity, energy, and additional energy. The revenue requirement is $66,150,000 per year. The rates would be as follows:

Cumberland System Rates

Original Marketing Policy

Inside TVA Preference Customers
Capacity and Base Energy: $3.430 per kW/Month
Additional Energy: 12.835 mills per kWh
Transmission: Pass-through

Outside TVA Preference Customers (Excluding Customers Served Through Duke Energy Progress or East Kentucky Power Cooperative)

Capacity and Base Energy: $3.430 per kW/Month
Additional Energy: 12.835 mills per kWh
Transmission: Monthly TVA Transmission Charge divided by 545,000

Customers Served Through Duke Energy Progress

Capacity and Base Energy: $3.904 per kW/Month
TVA Transmission: TVA rate at border as computed above, adjusted for DEP delivery

East Kentucky Power Cooperative

Capacity: $1.826 per kW/Month
Energy: 12.835 mills per kWh
Transmission: Monthly TVA Transmission Charge divided by 545,000

True-up Adjustment: The proposed rate schedules would continue adjustments annually on April 1 of each year, based on transfers of specific power investment to plant-in-service for the preceding Fiscal Year, to the base demand charge and base additional energy charge. The annual adjustment will be, for each increase of $1,000,000 to specific power plant-in-service, an increase of $0.003 per kilowatt per month added to the base capacity rate and an increase of 0.013 mills per kilowatt-hour added to the base additional energy rate. Southeastern will give written notice to the customers of the amount of the true-up by February 1 of each year.

The referenced repayment studies are available for examination at 1166 Athens Tech Road, Elberton, Georgia 30635–6711. The Proposed Rate Schedules CBR–1–J, CSI–1–J, CEK–1–J, CM–1–J, CC–1–K, CK–1–J, CTV–1–J, CTVI–1–C, and Replacement-3 are also available.

Dated: March 20, 2020.

Virgil G. Hobbs III,

Acting Administrator.

[FR Doc. 2020–06559 Filed 3–27–20; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0302; FRL–10007–35–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for the Graphic Arts Industry (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for the Graphic Arts Industry (EPA ICR Number 0657.13, OMB Control Number 2060–0105), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2020. Public comments were previously requested via the **Federal Register** on May 6, 2019

during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before April 29, 2020.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0302, to: (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov,* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The New Source Performance Standards (NSPS) for (40 CFR part 60, subpart QQ) for the Graphic Arts Industry were proposed on October 28, 1980; promulgated on November 8, 1982; and most-recently amended on April 9, 2004. These regulations apply to each publication rotogravure printing press (not including proof presses) commencing construction, modification or reconstruction after the date of proposal. Owners and operators of graphic arts facilities operating publication rotogravure printing presses are required to comply with monitoring, reporting, and record keeping requirements for the general provisions of 40 CFR part 60, subpart A, as well as for the applicable specific standards for publication rotogravure printing presses at 40 CFR part 60, subpart QQ. The requirements under Subpart A include submitting initial notifications, performance tests and periodic reports and results, and maintaining records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. The information collection activities required under Subpart QQ include testing, monitoring and reporting requirements, submitting one-time and periodic reports, and maintaining records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These reports are used by EPA to determine compliance with these standards.

Form Numbers: None.

Respondents/affected entities: Owners or operators of graphic arts facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart QQ).

Estimated number of respondents: 22 (total).

Frequency of response: Initially, occasionally, and semiannually.

Total estimated burden: 2,060 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $238,000 (per year), which includes $0 in annualized capital/startup and/or operation & maintenance costs.

Changes in the estimates: There is an increase in burden from the most-recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. The increase in burden from the most recently approved ICR is due to an increase in the number of respondents subject to the rule from 21 in the previous ICR to 22 in this ICR, which in turn increased labor hours. One revision was made to the calculation of respondent burden. The labor burden for facilities to familiarize with regulation requirements was revised from 1 hour per source per year to 3 hours per source per year. This change was made in response to industry comments that facilities may require outside technical consultation and require more than 1 hour to familiarize and re-familiarize with the rule. No other changes were made to the burden estimates as the regulations have not changed over the past three years and are not anticipated to change over the next three years.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2020–06574 Filed 3–27–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2016–0027; FRL–10005–13–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; On-Highway Motorcycle Certification and Compliance Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), On-Highway Motorcycle Certification and Compliance Program (ICR Number 2535.02, OMB Control Number 2060–0710), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through March 31, 2020. Public comments were previously requested via the **Federal Register** on November 4, 2019 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before April 29, 2020.

ADDRESSES: Submit your comments, referencing Docket ID number EPA–HQ–OAR–2016–0027, to (1) (1) EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-docket@epamail.epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Julian Davis, Environmental Protection Agency, 2000 Traverwood, Ann Arbor MI 48105; telephone number: (734) 214–4029; fax number: (734) 214–4869; email address: *davis.julian@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Under the Clean Air Act (42 U.S.C. 7521 *et seq.*) manufacturers and importers of on-highway motorcycles must have a certificate of conformity issued by EPA covering any vehicle they intend to offer for sale in the United States. A certificate of conformity represents that the respective vehicle conforms to all applicable emissions requirements. In issuing a certificate of conformity, EPA reviews vehicle information and emissions test data to determine if the required testing has been performed and the required emissions levels have been demonstrated. After a certificate of conformity has been issued, the Agency may request additional information to verify that the product continues to meet its certified emissions standards throughout its useful life. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Form Numbers: Highway Motorcycle HC+NOx Average Exhaust Emissions Model Year Report (5900–339); Manufacturer Production Report for Engine/Equipment Manufacturers—Heavy-Duty, Nonroad, and Highway Motorcycles (5900–90); List of Emissions Related Components (5900–NEW); Catalyst Information (5900–464).

Respondents/Affected Entities: On-highway motorcycle manufacturers and importers.

Estimated Number of Respondents: 55.

Frequency of Response: Quarterly and annually.

Total estimated burden: 15,420 hours (per year).

Total estimated cost: $741,499 (per year), includes $182,560 annualized operation & maintenance costs, $97,644 annualized capital/startup costs.

Changes in the estimates: These estimates reflect updated assumptions about the number of manufacturers that will maintain their own testing and certification facility. Since the previous ICR was submitted, more manufacturers have been using contract test facilities and utilizing carry over data to meet certification and compliance requirements.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2020–06576 Filed 3–27–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2015–0365; FRL 10007–22–ORD]

Board of Scientific Counselors (BOSC) Air and Energy Subcommittee Meeting—April 2020; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting; correction.

SUMMARY: The Environmental Protection Agency (EPA), Office of Research and Development (ORD), published a document in the **Federal Register** of March 18, 2020, giving notice of a meeting of the Board of Scientific Counselors (BOSC) Air and Energy (A–E) Subcommittee. In response to the COVID–19 outbreak, this meeting will now be taking place via videoconference. Due to unforeseen administrative circumstances, EPA is announcing this meeting with less than 15 calendar days' notice.

FOR FURTHER INFORMATION CONTACT: Tom Tracy, Designated Federal Officer (DFO), via phone/voice mail at: (202) 564–6518; via fax at: (202) 565–2911; or via email at: *tracy.tom@epa.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of March 18, 2020, in FR Doc. 2020–05579, on page 15447, column 3 correct the **DATES** and **ADDRESSES** captions to read:

DATES: The videoconference meeting will be held on Wednesday, April 1, 2020, from 1:00 p.m. to 5:00 p.m. (EDT) and will continue on Thursday, April 2, 2020, from 1:00 p.m. to 4:30 p.m. (EDT). Meeting times are subject to change. This meeting is open to the public. Those who wish to attend must register by March 30, 2020. Comments must be received by March 25, 2020 to be considered by the subcommittee. Requests for the draft agenda or making a presentation at the meeting will be accepted until March 30, 2020.

ADDRESSES: Instructions on how to connect to the videoconference will be provided upon registration at *https://epa-bosc-a-e.eventbrite.com.* Attendees should register by March 30, 2020. Instructions on the submission of comments remain unchanged.

Dated: March 24, 2020.

Mary Ross,

Director, Office of Science Advisor, Policy, and Engagement.

[FR Doc. 2020–06556 Filed 3–27–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2019–0489; FRL–10004–40–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Motor Vehicle Emissions and Fuel Economy Compliance (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Motor Vehicle Emissions and Fuel Economy Compliance (EPA ICR Number 0783.65, OMB Control Number 2060–0104) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through March 31, 2020. Public comments were previously requested via the **Federal Register** on October 30, 2019 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it

displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before April 29, 2020.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2019–0489, to (1) EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: David Wright, Compliance Division, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Dr., Ann Arbor, MI 48105; telephone number: 734–214–4467; fax number: 734–214–4869; email address: *wright.davida@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: EPA sets exhaust, evaporative, and greenhouse gas emissions standards for light-duty vehicles (LDVs) and light-duty trucks (LDTs) based on the authority granted to the Agency by the Clean Air Act (CAA). In addition, light-duty vehicle manufacturers use the results from the exhaust emission tests to calculate vehicle fuel economy. The fuel economy results are used to calculate fuel economy label values according to EPA regulations. EPA regulations define test procedures, in-use testing requirements, calculation methods, vehicle labeling, and reporting requirements for light-duty vehicle manufacturers.

This ICR is organized into six information collections (ICs): (1) Fuel Economy; (2) Manufacturers' In-Use Verification Program; (3) Light-Duty Vehicles and Light-Duty Trucks Emissions; (4) Defect Reports and Voluntary Emissions Recall Reports; (5) Fuel Economy Labeling; and, (6) Tier 3 Motor Vehicle Emission Standards.

This ICR covers the application submitted by light-duty vehicle manufacturers prior to production as well as various reports and information submitted during and after production. Processing and review of this information is conducted by the Light-Duty Vehicle Center, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation US EPA.

Information collected consists of descriptions of motor vehicles (including vehicle specifications, *i.e.* weight and road load forces, required for testing and emission control system components), test results, defect and recall reports, and sales data (used to determine compliance with fleet average standards). EPA performs tests to confirm the emission and fuel economy results which have been generated by the manufacturer at their test facilities. EPA performs confirmatory testing on 10% to 15% of all the vehicle tests the manufacturers perform. All of these data are electronically submitted to the Agency.

This ICR covers the information that affected respondents must provide to the Agency. Any information submitted to the Agency for which a claim of confidentiality is made is safeguarded according to policies set forth in CFR title 40, chapter 1, part 2, subpart B—Confidentiality of Business Information (see 40 CFR part 2).

Form Numbers: Form 5800–258—Template for Light-duty Conversion of Intermediate Age System (Light-Duty Vehicles and Light-Duty Trucks Emissions IC); Form 5900–257—Template for Light-duty Conversion of Outside Useful Life System (Light-Duty Vehicles and Light-Duty Trucks Emissions IC); Form 5900–471—Template for Tier 3 Light-duty FTP and SFTP AB&T Reporting (Tier 3 Motor Vehicle Emissions IC); Form 5900–470—Template for Tier 3 Heavy-duty NMOG+NO_X, Evaporative and Cold NMHC AB&T Reporting (Tier 3 Motor Vehicle Emissions IC).

Respondents/affected entities: Manufacturers of light-duty passenger vehicles, light-duty trucks, medium-duty passenger vehicles and some heavy-duty vehicles.

Respondent's obligation to respond: Required in order to obtain or retain benefit.

Estimated number of respondents: 48 (total).

Frequency of response: Occasionally.

Total estimated burden: 778,320 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $91,025,023 (per year), which includes $38,928,401 in annualized capital and operation & maintenance costs.

Changes in the estimates: There is an increase of 16,138 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to a slight increase in the number of test groups light-duty vehicle manufacturers are certifying.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2020–06577 Filed 3–27–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0313; FRL–10007–34–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Stationary Gas Turbines (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Stationary Gas Turbines (EPA ICR Number 1071.13, OMB Control Number 2060–0028), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2020. Public comments were previously requested, via the **Federal Register**, on May 6, 2019 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before April 29, 2020.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0313, to: (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA

Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov,* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The New Source Performance Standards (NSPS) for Stationary Gas Turbines (40 CFR part 60, subpart GG) were proposed on October 3, 1977; promulgated on September 10, 1979; and last-amended on February 27, 2014. These regulations apply to existing facilities and new facilities that have stationary gas turbines with a heat input at peak load equal or greater than 10.7 gigajoules per hour (based on the lower heating value of the fuel fired). There are no new facilities under this subpart, as any facility which commenced construction, modification, or reconstruction after February 18, 2005 is subject to the NSPS for Stationary Combustion Turbines (40 CFR part 60, subpart KKKK).

Owners and operators of affected facilities are required to comply with reporting and record keeping requirements for the general provisions of 40 CFR part 60, subpart A, as well as for the specific requirements at 40 CFR part 60, subpart GG. This includes submitting initial notifications, performance tests and periodic reports and results, and maintaining records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These reports are used by EPA to determine compliance with the standards.

Form Numbers: None.

Respondents/affected entities: Stationary gas turbines.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart GG).

Estimated number of respondents: 535 (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 69,100 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $8,000,000 (per year), includes $0 for annualized capital/startup and/or operation & maintenance costs.

Changes in the estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Secondly, the growth rate for the industry is very low, negative or non-existent, so there is no significant change in the overall burden.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2020–06575 Filed 3–27–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sending Case Issuances Through Electronic Mail

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Notice.

SUMMARY: On a temporary basis, the Federal Mine Safety and Health Review Commission will be sending its issuances through electronic mail and will not be monitoring incoming physical mail or facsimile transmissions.

DATES: Applicable: March 30, 2020.

FOR FURTHER INFORMATION CONTACT: Sarah Stewart, Deputy General Counsel, Office of the General Counsel, Federal Mine Safety and Health Review Commission, at (202) 434–9935; *sstewart@fmshrc.gov.*

SUPPLEMENTARY INFORMATION: Until April 20, 2020, case issuances of the Federal Mine Safety and Health Review Commission (FMSHRC), including inter alia notices, decisions, and orders, will be sent only through electronic mail. This includes notices, decisions, and orders described in 29 CFR 2700.4(b)(1), 2700.24(f)(1), 2700.45(e)(3), 2700.54, and 2700.66(a). Further, FMSHRC will not be monitoring incoming physical mail or facsimile described in Procedural Rule § 2700.5(c)(2). If possible, all filings should be e-filed as described in 29 CFR 2700.5(c)(1).

Authority: 30 U.S.C. 823.

Dated: March 25, 2020.

Sarah L. Stewart,

Deputy General Counsel, Federal Mine Safety and Health Review Commission.

[FR Doc. 2020–06539 Filed 3–27–20; 8:45 am]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than April 14, 2020.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Lee Perry Mann, individually, as manager of Perrylee Enterprises, Ltd., and as trustee of the LPM Legacy Trust, all of Woodville, Texas;* to acquire voting shares of Security Bancshares, Inc., Waco, Texas and thereby indirectly acquire voting shares of Citizens State Bank, Woodville, Texas, and to join Laurie Fortenberry Mann, Woodville,

Texas, individually and as trustee of the LPM Legacy Trust, as a group acting in concert.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Katherine Rose Rainbolt, Sarah Duston Rainbolt, Caroline Jeannine Rainbolt-Forbes, and Eleanor Jane Rainbolt-Forbes, all of Denver, Colorado;* to become members of the Rainbolt Family Group and acquire voting shares of BancFirst Corporation, Oklahoma City, Oklahoma, and thereby indirectly acquire voting shares of BancFirst, Oklahoma City, Oklahoma, and Pegasus Bank, Dallas, Texas.

Board of Governors of the Federal Reserve System, March 25, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–06572 Filed 3–27–20; 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 Street and Constitution Avenue NW, Washington DC 20551–0001, not later than April 29, 2020.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Stearns Financial Services, Inc., Employee Stock Ownership Plan, Saint Cloud, Minnesota;* to acquire additional voting shares, for a total of 20.66 percent of the voting shares of Stearns Financial Services, Inc., Saint Cloud, Minnesota, and thereby indirectly acquire voting shares of Stearns Bank National Association, Saint Cloud, Minnesota; Stearns Bank of Upsala, National Association, Upsala, Minnesota; and Stearns Bank of Holdingford, National Association, Holdingford, Minnesota.

Board of Governors of the Federal Reserve System, March 25, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–06573 Filed 3–27–20; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice and request for comment.

SUMMARY: The FTC requests that the Office of Management and Budget (OMB) extend for three years the current PRA clearance for information collection requirements contained in the Rule Governing Pre-sale Availability of Written Warranty Terms. The current clearance expires on April 30, 2020.

DATES: Comments must be received by April 29, 2020.

ADDRESSES: Comments in response to this notice should be submitted to the OMB Desk Officer for the Federal Trade Commission within 30 days of this notice. You may submit comments using any of the following methods:

Electronic: Write ''Pre-sale Availability Rule: PRA Comment, P072108,'' on your comment and file your comment online at *https://www.regulations.gov,* by following the instructions on the web-based form.

Email: MBX.OMB.OIRA.Submission@OMB.eop.gov.

Fax: (202) 395–5806.

Mail: Office of Information and Regulatory Affairs, Office of Management and Budget, *Attention:* Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Christine M. Todaro, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326–3711.

SUPPLEMENTARY INFORMATION:

Title: Pre-sale Availability of Written Warranty Terms (Pre-Sale Availability Rule or Rule), 16 CFR 702.

OMB Control Number: 3084–0112.

Type of Review: Extension of a currently approved collection.

Abstract: On December 31, 2019, the FTC sought public comment on the information collection requirements associated with the Rule. 84 FR 72362. No germane comments were received.[1] Pursuant to the OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.,* the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Rule.

The Pre-sale Availability Rule, 16 CFR 702, is one of three rules[2] that the FTC issued as required by the Magnuson Moss Warranty Act, 15 U.S.C. 2301 *et seq.* (Warranty Act or Act).[3] This Rule requires sellers and warrantors to make the text of any written warranty on a consumer product costing more than $15 available to the consumer before sale. Among other things, the Rule requires sellers to make the text of the warranty readily available either by (1) displaying it in close proximity to the product or (2) furnishing it on request and posting signs in prominent locations advising consumers that the warranty is available. The Rule requires warrantors to provide materials to enable sellers to comply with the Rule's requirements and also sets out the methods by which warranty information can be made available before the sale if the product is sold through catalogs, mail order, or door to door sales. In addition, in 2016, the FTC revised the Rule to allow warrantors to post warranty terms on internet websites if they also provide a non-internet based method for consumers to obtain the warranty terms and satisfy certain other conditions. The revised Rule also allows certain sellers to display warranty terms pre-sale in an electronic format if the warrantor has used the online method of disseminating warranty terms.

Likely Respondents: Manufacturers and retailers of consumer products.

[1] The Commission received nine non-germane comments.

[2] The other two rules relate to the information that must appear in a written warranty on a consumer product costing more than $15 if a warranty is offered and minimum standards for informal dispute settlement mechanisms that are incorporated into a written warranty.

[3] 40 FR 60168 (Dec. 31, 1975).

Estimated Annual Hours Burden: 3,069,314 hours (170,417 hours for manufacturers + 2,898,897 hours for retailers).

- Manufacturers account for approximately 170,417 hours ((742 large manufacturers × 21.5 hours) + (30,287 small manufacturers × 5.1 hours))
- Retailers account for approximately 2,898,897 hours ((8,628 large retailers × 20.8 burden hours) + (566,549 small retailers × 4.8 burden hours))

Estimated Annual Cost Burden: $70,594,222 (which is derived from $36,831,768 for sales associates + $33,762,454 for clerical workers).[4]

- Sales Associates: (1,534,657 hours) ($24/hour) = $36,831,768
- Clerical Workers: (1,534,657 hours) ($22/hour) = $33,762,454

Total Annual Capital or Other Non-labor Costs: De minimis.

Request for Comment

Your comment—including your name and your state—will be placed on the public record of this proceeding at the *https://www.regulations.gov* website. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2020–06579 Filed 3–27–20; 8:45 am]

BILLING CODE 6750–01–P

[4] The wage rates used in this Notice reflect data from the Bureau of Labor Statistics, Occupational Employment and Wages (May 2018), available at *http://www.bls.gov/news.release/pdf/ocwage.pdf.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project ''AHRQ Managing Unhealthy Alcohol Use in Primary Care Initiative.''

DATES: Comments on this notice must be received by 60 days after date of publication of this notice.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by emails at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

AHRQ Managing Unhealthy Alcohol Use in Primary Care Initiative

The Affordable Care Act established the Patient-Centered Outcomes Research Trust Fund (PCORTF) and authorized AHRQ to broadly disseminate the research findings published by the Patient-Centered Outcomes Research Institute (PCORI) and other government-funded research relevant to comparative clinical effectiveness research. AHRQ's PCORTF-funded initiative identifies research findings that could significantly improve patient outcomes through broader implementation in clinical practice. Under this initiative, in 2019 AHRQ launched a new initiative, Managing Unhealthy Alcohol Use in Primary Care, in order to promote the uptake of evidence-based practices for unhealthy alcohol use (UAU). As part of this initiative, AHRQ selected six grantees and funded a contractor to support and evaluate the grantees. The grantees will collectively work with more than 700 primary care practices over three years to implement and evaluate strategies to increase the use of evidence-based interventions such as screening for unhealthy alcohol use, brief interventions for adult patients who drink too much, and medication-assisted therapy (MAT) for patients with an alcohol use disorder. The contractor will develop a resource center, convene a technical expert panel, conduct an ongoing environmental scan, support a learning community of grantees, and complete a multisite, mixed methods evaluation.

Unhealthy alcohol use, defined as behaviors ranging from risky drinking to alcohol use disorders (AUD), is estimated to be the third leading cause of preventable death in the United States. Between 2006 and 2010, nearly one in ten deaths were alcohol-related. In addition to early mortality, UAU is associated with a host of adverse outcomes, including unintentional injuries and the development or exacerbation of a range of physical and behavioral health conditions. The Centers for Disease Control and Prevention estimates suggest that excessive alcohol consumption costs the United States $249 billion annually.

Under the UAU initiative, six AHRQ grantees will work to improve the management of UAU in primary care by disseminating and implementing evidence-based practices for screening and brief intervention, referral to treatment (SBI/RT), and MAT in primary care practices. The multi-site, mixed-methods evaluation will include primary data collection by the evaluator, NORC at the University of Chicago. The evaluation will also include secondary data collected by the six grantee teams working with 750 primary care practices. Collectively the data will allow the evaluator to assess the implementation and impact of the six grants.

The project goals, as laid out in the AHRQ request for applications include:

- Success of recruitment and retention strategies across all six grantees to engage primary care practices for implementation of SBI/RT and MAT, across the initiative;
- Effectiveness of the grantees' collective dissemination and implementation strategies, and the factors associated with the success and/or failure of the strategies as it relates to populations, settings and the influence of contextual factors;
- Success at the practice level in increasing the number of patients screened, identified, and treated; and
- Overall impact on changes in processes or outcomes that can be attributed to the initiative.

This study is being conducted pursuant to AHRQ's statutory authority to broadly disseminate research findings published by the Patient-Centered Outcomes Research Institute and other government-funded research relevant to comparative clinical effectiveness research to physicians, health care providers, and patients. 42 U.S.C 299b–37.

Method of Collection

To achieve the goals of the multi-site evaluation (MSE), AHRQ is requesting OMB approval for three years for new data collection by the evaluator. The evaluator's primary data collection is requested to achieve the goals of the MSE and includes the following data collection activities:

Semi-Structured Qualitative Interviews will take place in-person and/or by telephone with key staff from each grantee team (*i.e.,* principal investigator, co-investigator, evaluation lead, practice facilitation/implementation lead, and project manager) and with clinicians and staff at one primary care practice working with each grantee. Interviews will be conducted annually beginning at the end of Year 1, for a total of three time points per grantee. During Years 1 and 3 the interviews will be conducted by phone, while Year 2 interviews will be collected in-person. The interviews for both grantee teams and primary care practice staff will cover domains such as understanding the practice implementation and changes overtime, methods of supporting practices, barriers and facilitators to implementation, strategies to overcome barriers, and the number and type of staff implementing SBI/RT and MAT.

Secondary data collected by grantees and analyzed by the evaluator will include:

Aggregated process measure data that will be used to assess whether the number of patients receiving SBI/RT and/or MAT increased at the practice level. Grantees will survey all participating primary care practices at the beginning of the initiative to collect data on basic practice characteristics (*e.g.,* size, ownership, staff, and patient population) that can be used to evaluate relationships between practice characteristics and the number of patients receiving SBI/RT and/or MAT. Grantees will also collect quantitative information about the number, duration, and function of contact between practice facilitators and primary care practices to evaluate the relationship between duration, frequency, and type of practice facilitator-practice engagement, and the number of patients screened, receiving brief intervention, and/or treated for UAU. The practice facilitators will collect data to track changes in practices over time and facilitate an overall assessment of what activities the practice is conducting to identify and manage UAU.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to complete the semi-structured Key Informant Interviews. For the three-year clearance period, the estimated annualized burden hours for the interviews are 60.

EXHIBIT 1

Data collection activity	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
Semi-Structured Interviews	60	1	1.0	60
Total	60			60

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to complete the Key Informant Interviews. The total annualized cost burden is estimated to be $6,109.

EXHIBIT 2 ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Semi-Structured Interviews	60	60	[a] $101.82	$6,109
Total	60	60		6,109

* National Compensation Survey: Occupational wages in the United States May 2018 "U.S. Department of Labor, Bureau of Labor Statistics:" *https://www.bls.gov/oes/current/oes_stru.htm.*

[a] Based on the mean wages for *29–1062 Family and General Practitioners.*

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: March 25, 2020.

Virginia L. Mackay-Smith,

Associate Director.

[FR Doc. 2020–06540 Filed 3–27–20; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review: ACF Program Instruction—Children's Justice Act (OMB #0970–0425)

AGENCY: Children's Bureau; Administration for Children and Families; HHS

ACTION: Request for Public Comment.

SUMMARY: The Administration for Children and Families (ACF) is requesting a 3-year extension of the Children's Justice Act Program Instruction (OMB #0970–0425, expiration 4/30/2020). There are no changes requested to the form.

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION:

Description: The Program Instruction, prepared in response to the enactment of the Children's Justice Act (CJA), Title II of Public Law 111–320, Child Abuse Prevention and Treatment Act Reauthorization of 2010, provides direction to the states and territories to accomplish the purposes of assisting states in developing, establishing, and operating programs designed to improve: (1) The assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child's family; (2) the assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities; (3) the investigation and prosecution of cases of child abuse and neglect, including child sexual abuse and exploitation; and (4) the assessment and investigation of cases involving children with disabilities or serious health-related problems who are suspected victims of child abuse or neglect. This Program Instruction contains information collection requirements that are found in Public Law 111–320 at sections 107(b) and 107(d), and pursuant to receiving a grant award. The information submitted will be used by the agency to ensure compliance with the statute; to monitor, evaluate, and measure grantee achievements in addressing the investigation and prosecution of child abuse and neglect; and to report to Congress.

Respondents: State Governments.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Children's Justice Act Program Instruction	52	1	60	3,120

Estimated Total Annual Burden Hours: 3,120.

Authority: 42 U.S.C. 5106c Sec. 107 (b)(4) and 42 U.S.C. 5106 Sec. 107 (B)(5).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2020–06525 Filed 3–27–20; 8:45 am]

BILLING CODE 4184–25–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Survey of the National Survey of Child and Adolescent Well-Being (NSCAW) Adopted Youth, Young Adults, and Adoptive Parents (New Collection)

AGENCY: Office of Planning, Research and Evaluation; Administration for Children and Families; HHS.

ACTION: Request for Public Comment.

SUMMARY: The Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) seeks approval for a one-time study to examine familial outcomes 8 or more years after a child's adoption from the child welfare system. The primary objective of this study is to estimate the prevalence of instability events that occur in families who have adopted children who have exited the foster care system. The second objective is to understand risk and protective factors associated with post adoption instability.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *OPREinfocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests emailed or written should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The proposed study would conduct web or telephone surveys with adopted youth, young adults, and adults as well as adoptive parents who were participants in the first or second cohort of NSCAW (NSCAW I, II; OMB #0970–0202). The surveys are designed to collect information about instability events (such as foster care re-entry or running away that occurred after a child's adoption) as well as family functioning, perceptions of the adoption relationship, and services and support received after adoption.

Respondents: Adopted youth, young adults, adults, and their associated adoptive parents who participated in NSCAW I or II.

ANNUAL BURDEN ESTIMATES

Instrument	Total/annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Survey of NSCAW Adopted Youth, Young Adults, and Adults	588	1	.5	294
Survey of NSCAW Adoptive Parents	554	1	.5	277

Estimated Total Annual Burden Hours: 571

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2020–06491 Filed 3–27–20; 8:45 am]

BILLING CODE 4184–25–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–0008]

Allergenic Products Advisory Committee; Cancellation of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The meeting of the Allergenic Products Advisory Committee scheduled for May 15, 2020, is canceled. The Allergenic Products Advisory Committee meeting scheduled for May 15, 2020, to discuss and make recommendations on the safety and efficacy of Peanut (*Arachis hypogaea*) Allergen Extract manufactured by DBV Technologies, S.A, has been canceled to allow time for the FDA to review outstanding issues. The Agency intends to continue evaluating the product and will schedule an Advisory Committee meeting in the future, as needed. The meeting was announced in the **Federal Register** on February 24, 2020.

FOR FURTHER INFORMATION CONTACT: Kathleen Hayes, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6307, Silver Spring, MD 20993–0002, 301–796–7864, *kathleen.hayes@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), and follow the prompts to the desired center or product area. Please call the Information Line for up-to-date information on this meeting, which was announced in the **Federal Register** of February 24, 2020, 85 FR 10451.

Dated: March 24, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–06513 Filed 3–27–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0736]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Tracking Network for PETNet, LivestockNet, and SampleNet

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by April 29, 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 0910–0680. 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.

Tracking Network for PETNet, LivestockNet, and SampleNet

OMB Control Number 0910–0680—Extension

The Center for Veterinary Medicine and the Partnership for Food Protection developed a web-based tracking network (the tracking network) to allow Federal, State, and Territorial regulatory and public health Agencies to share safety information about animal food. Information is submitted to the tracking network by regulatory and public health Agency employees with membership rights. The efficient exchange of safety information is necessary because it improves early identification and evaluation of a risk associated with an animal food product. We use the information to assist regulatory Agencies to quickly identify and evaluate a risk and take whatever action is necessary to mitigate or eliminate exposure to the risk. Earlier identification and communication with respect to emerging safety information may also mitigate the potential adverse economic impact for the impacted parties associated with such safety issues. The tracking network was developed under the requirements set forth under section 1002(b) of the Food and Drug Administration Amendments Act of 2007 (FDAAA) (Pub. L. 110–085). Section 1002(b) of the FDAAA required FDA, in relevant part, to establish a pet food early warning alert system.

The tracking network collects: (1) reports of pet food-related illness and product defects associated with dog food, cat food, and food for other pets, which are submitted via the Pet Event Tracking Network (PETNet); (2) reports of animal food-related illness and product defects associated with animal food for livestock animals, aquaculture species, and horses (LivestockNet); and (3) reports about animal food laboratory samples considered adulterated by State or FDA regulators (SampleNet).

PETNet and LivestockNet reports share the following common data elements, the majority of which are drop down menu choices: product details (product name, lot code, product form, and the manufacturer or distributor/packer (if known)), the species affected, number of animals exposed to the product, number of animals affected, body systems affected, product problem/defect, date of onset or the date product problem was detected, the State where the incident occurred, the origin of the information, whether there are supporting laboratory results, and contact information for the reporting member (*i.e.,* name, telephone number will be captured automatically when member logs in to the system). For the LivestockNet report, additional data elements specific to livestock animals are captured: product details (indication of whether the product is a medicated product, product packaging, and intended purpose of the product), class of the animal species affected, and production loss. For PETNet reports, the only additional data field is the animal life stage. The SampleNet reports have the following data elements, many of which are drop down menu choices: product information (product name, lot code, guarantor information, date and location of sample collection, and product description); laboratory information (sample identification number, the reason for testing, whether the food was reported to the Reportable Food Registry, who performed the analysis); and results information (analyte, test method, analytical results, whether the results contradict a label claim or guarantee, and whether action was taken as a result of the sample analysis).

Description of Respondents: Voluntary respondents to this collection of information are Federal, State, and Territorial regulatory and public health Agency employees with membership access to the Animal Feed Network.

In the **Federal Register** of November 22, 2019 (84 FR 64533), we published a 60-day notice requesting public comment on the proposed collection of information. One comment was received offering general support for the information collection, but did not suggest a change to our burden estimate. At the same time, upon our own reevaluation we have reduced the number of respondents to the collection, which results in an overall reduction of 225 responses and 57 hours annually. We made this adjustment to better reflect current use of the tracking networks. We, therefore, estimate the burden of the information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
PETNet	5	5	25	0.25 (15 minutes)	6.25
LivestockNet	5	5	25	0.25 (15 minutes)	6.25
SampleNet	5	5	25	0.25 (15 minutes)	6.25
Total			75		18.75

Dated: March 20, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–06537 Filed 3–27–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2004–N–0451]

Food and Drug Administration Modernization Act of 1997: Modifications to the List of Recognized Standards, Recognition List Number: 053

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing a publication containing modifications the Agency is making to the list of standards FDA recognizes for use in premarket reviews (FDA Recognized Consensus Standards). This publication, entitled ''Modifications to the List of Recognized Standards, Recognition List Number: 053'' (Recognition List Number: 053), will assist manufacturers who elect to declare conformity with consensus standards to meet certain requirements for medical devices.

DATES: Submit either electronic or written comments on the notice at any time. These modifications to the list of recognized standards are applicable March 30, 2020.

ADDRESSES: You may submit comments on the current list of FDA Recognized Consensus Standards at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://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–2004–N–0451 for ''Food and Drug Administration Modernization Act of 1997: Modifications to the List of Recognized Standards, Recognition List Number: 053.'' 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. FDA will consider any comments received in determining whether to amend the current listing of modifications to the list of recognized standards, Recognition List Number: 053.

• 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.

An electronic copy of Recognition List Number: 053 is available on the internet at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/ucm123792.htm.* See section IV for electronic access to the searchable database for the current list of FDA recognized consensus standards, including Recognition List Number: 053 modifications and other standards related information. Submit written requests for a single hard copy of the document entitled ''Modifications to the List of Recognized Standards, Recognition List Number: 053'' to Scott Colburn, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5606, Silver Spring, MD 20993, 301–796–6287. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–847–8144.

FOR FURTHER INFORMATION CONTACT: Scott Colburn, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5606, Silver Spring, MD 20993, 301–796–6287, *CDRHStandardsStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 204 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) amended section 514 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360d). Amended section 514 of the FD&C Act allows FDA to recognize consensus standards developed by international and national organizations for use in satisfying portions of device premarket review submissions or other requirements.

In the **Federal Register** of September 14, 2018 (83 FR 46738), FDA announced the availability of a guidance entitled ''Appropriate Use of Voluntary Consensus Standards in Premarket Submissions for Medical Devices.'' The guidance describes how FDA has implemented its standards recognition program and is available at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/appropriate-use-voluntary-consensus-standards-premarket-submissions-medical-devices.* Modifications to the initial list of recognized standards, as published in the **Federal Register**, can be accessed at *https://www.fda.gov/medical-devices/standards-and-conformity-assessment-program/federal-register-documents.*

These notices describe the addition, withdrawal, and revision of certain standards recognized by FDA. The Agency maintains a portable document format (PDF) version of the list of FDA Recognized Consensus Standards. Additional information on the Agency's Standards and Conformity Assessment Program is available at *https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/standards-and-conformity-assessment-program.*

II. Modifications to the List of Recognized Standards, Recognition List Number: 053

FDA is announcing the addition, withdrawal, correction, and revision of certain consensus standards the Agency is recognizing for use in premarket submissions and other requirements for devices. FDA is incorporating these modifications to the list of FDA Recognized Consensus Standards in the Agency's searchable database. FDA is using the term ''Recognition List Number: 053'' to identify the current modifications.

In table 1, FDA describes the following modifications: (1) The withdrawal of standards and their replacement by others, if applicable; (2) the correction of errors made by FDA in listing previously recognized standards; and (3) the changes to the supplementary information sheets of recognized standards that describe revisions to the applicability of the standards.

In section III, FDA lists modifications the Agency is making that involve new entries and consensus standards added as modifications to the list of recognized standards under Recognition List Number: 053.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
A. Anesthesiology			
1–47	.....	AS 4259–1995 Ancillary devices for expired air resuscitation	Withdrawn.
1–102	.....	ISO 80601–2–69 First edition 2014–07–15 Medical electrical equipment—Part 2–69: Particular requirements for basic safety and essential performance of oxygen concentrator equipment.	Extent of Recognition.
B. Biocompatibility			
2–259	2–269	USP 42–NF37:2019 <87> Biological Reactivity Test, In Vitro—Direct Contact Test.	Withdrawn and replaced with newer version.
2–260	2–270	USP 42–NF37:2019 <87> Biological Reactivity Test, In Vitro-Elution Test.	Withdrawn and replaced with newer version.
2–261	2–271	USP 42–NF37:2019 <88> Biological Reactivity Tests, In Vivo	Withdrawn and replaced with newer version.
2–262	2–272	USP 42–NF37:2019 <151> Pyrogen Test (USP Rabbit Test)	Withdrawn and replaced with newer version.
C. Cardiovascular			
3–139	3–161	ISO 14117 Second edition 2019–09 Active implantable medical devices—Electromagnetic compatibility—EMC test protocols for implantable cardiac pacemakers, implantable cardioverter defibrillators and cardiac resynchronization devices.	Withdrawn and replaced with newer version.
D. Dental/Ear, Nose, and Throat (ENT)			
4–186	4–260	ANSI/ASA S12.2–2019 American National Standard Criteria for Evaluating Room Noise.	Withdrawn and replaced with newer version.
4–212	4–261	ISO 7405 Third edition 2018–10 Corrected version 2018–12 Dentistry—Evaluation of biocompatibility of medical devices used in dentistry.	Withdrawn and replaced with newer version.
4–229	4–262	IEC 80601–2–60 Edition 2.0 2019–06 Medical electrical equipment—Part 2–60: Particular requirements for the basic safety and essential performance of dental equipment.	Withdrawn and replaced with newer version.
E. General I (Quality Systems/Risk Management) (QS/RM)			
5–103	5–124	ISO 7000 Sixth edition 2019–07 Graphical symbols for use on equipment—Registered symbols.	Withdrawn and replaced with newer version.
5–40	5–125	ISO 14971 Third edition 2019–12 Medical devices—Application of risk management to medical devices.	Withdrawn and replaced with newer version.
F. General II (Electrical Safety/Electromagnetic Compatibility) (ES/EMC)			
19–13	.....	IEC 62133 Edition 2.0 2012–12 Secondary cells and batteries containing alkaline or other non-acid electrolytes—Safety requirements for portable sealed secondary cells, and for batteries made from them, for use in portable applications [Including CORRIGENDUM 1 (2013)].	Transition removed. Recognition restored.
19–32	.....	IEC 62133–1 Edition 1.0 2017–02 Secondary cells and batteries containing alkaline or other non-acid electrolytes—Safety requirements for portable sealed secondary cells, and for batteries made from them, for use in portable applications—Part 1: Nickel systems.	Transition removed.
19–33	.....	IEC 62133–2 Edition 2017–02 Secondary cells and batteries containing alkaline or other non-acid electrolytes—Safety requirements for portable sealed secondary cells, and for batteries made from them, for use in portable applications—Part 2: Lithium systems.	Transition removed.
G. General Hospital/General Plastic Surgery (GH/GPS)			
6–175	6–424	ASTM D5151–19 Standard Test Method for Detection of Holes in Medical Gloves.	Withdrawn and replaced with newer version.
6–254	6–425	ASTM F2100–19 Standard Specification for Performance of Materials Used in Medical Face Masks.	Withdrawn and replaced with newer version.
6–293	6–426	ISO 23907–1 First edition 2019–01 Sharps injury protection—Requirements and test methods—Part 1: Single-use sharps containers.	Withdrawn and replaced with newer version.
6–335	6–427	ASTM F2101–19 Standard Test Method for Evaluating the Bacterial Filtration Efficiency (BFE) of Medical Face Mask Materials, Using a Biological Aerosol of Staphylococcus aureus.	Withdrawn and replaced with newer version.
6–412	6–428	USP 42–NF37:2019 Sodium Chloride Irrigation	Withdrawn and replaced with newer version.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
6–413	6–429	USP 42–NF37:2019 Sodium Chloride Injection	Withdrawn and replaced with newer version.
6–414	6–430	USP 42–NF37:2019 Nonabsorbable Surgical Suture	Withdrawn and replaced with newer version.
6–415	6–431	USP 42–NF37:2019 <881> Tensile Strength	Withdrawn and replaced with newer version.
6–416	6–432	USP 42–NF37:2019 <861> Sutures—Diameter	Withdrawn and replaced with newer version.
6–417	6–433	USP 42–NF37:2019 <871> Sutures—Needle Attachment	Withdrawn and replaced with newer version.
6–418	6–434	USP 42–NF37:2019 Sterile Water for Irrigation	Withdrawn and replaced with newer version.
6–419	6–435	USP 42–NF37:2019 Heparin Lock Flush Solution	Withdrawn and replaced with newer version.
6–420	6–436	USP 42–NF37:2019 Absorbable Surgical Suture	Withdrawn and replaced with newer version.
		H. In Vitro Diagnostics (IVD)	
7–226	7–293	CLSI QMS01, 5th ed. June 2019 (Replaces QMS01–A4) A Quality Management System Model for Laboratory Services.	Withdrawn and replaced with newer version.
7–281	7–294	CLSI M100, 29th ed. January 2019 (Replaces M100 28th ed.) Performance Standards for Antimicrobial Susceptibility Testing.	Withdrawn and replaced with newer version.
		I. Materials	
8–68	8–519	ISO 13782 Second edition 2019–04 Implants for surgery—Metallic materials—Unalloyed tantalum for surgical implant applications.	Withdrawn and replaced with newer version.
8–218	8–520	F799–19 Standard Specification for Cobalt-28 Chromium-6 Molybdenum Alloy Forgings for Surgical Implants (UNS R31537, R31538, R31539).	Withdrawn and replaced with newer version.
8–391	8–521	F2313–18 Standard Specification for Poly(glycolide) and Poly(glycolide-co-lactide) Resins for Surgical Implants with Mole Fractions Greater Than or Equal to 70% Glycolide.	Withdrawn and replaced with newer version.
8–477	8–522	F2129–19a Standard Test Method for Conducting Cyclic Potentiodynamic Polarization Measurements to Determine the Corrosion Susceptibility of Small Implant Devices.	Withdrawn and replaced with newer version.
8–480		ASTM F2063–18 Standard Specification for Wrought Nickel-Titanium Shape Memory Alloys for Medical Devices and Surgical Implants.	Transition period extended.
8–481		ASTM F1314–18 Standard Specification for Wrought Nitrogen Strengthened 22 Chromium-13 Nickel-5 Manganese-2.5 Molybdenum Stainless Steel Alloy Bar and Wire for Surgical Implants (UNS S20910).	Transition period extended.
8–484		ASTM F2066–18 Standard Specification for Wrought Titanium-15 Molybdenum Alloy for Surgical Implant Applications (UNS R58150).	Transition period extended.
8–491		ASTM F1088–18 Standard Specification for Beta-Tricalcium Phosphate for Surgical Implantation.	Transition period extended.
8–492		ISO 5832–9 Third edition 2019–02 Implants for surgery—Metallic materials—Part 9: Wrought high nitrogen stainless steel.	Transition period extended.
8–494		ISO 6474–1 Second edition 2019–03 Implants for surgery—Ceramic materials—Part 1: Ceramic materials based on high purity alumina.	Transition period extended.
8–498		ASTM F75–18 Standard Specification for Cobalt-28 Chromium-6 Molybdenum Alloy Castings and Casting Alloy for Surgical Implants (UNS R30075).	Transition period extended.
8–499		ASTM F1580–18 Standard Specification for Titanium and Titanium-6 Aluminum-4 Vanadium Alloy Powders for Coatings of Surgical Implants.	Transition period extended.
8–500		ISO 5832–12 Third edition 2019–02 Implants for surgery—Metallic materials—Part 12: Wrought cobalt-chromium-molybdenum alloy.	Transition period extended.
8–501		ISO 5834–1 Fourth edition 2019–02 Implants for surgery—Ultra-high-molecular-weight polyethylene—Part 1: Powder form.	Transition period extended.
8–502		ASTM F2038–18 Standard Guide for Silicone Elastomers, Gels, and Foams Used in Medical Applications Part I—Formulations and Uncured Materials.	Transition period extended.
8–505		ISO 6474–2 Second edition 2019–03 Implants for surgery—Ceramic materials—Part 2: Composite materials based on a high-purity alumina matrix with zirconia reinforcement.	Transition period extended.
8–507		ASTM F688–19 Standard Specification for Wrought Cobalt-35Nickel-20Chromium-10Molybdenum Alloy Plate, Sheet, and Foil for Surgical Implants (UNS R30035).	Transition period extended.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
8–508		ASTM F2579–18 Standard Specification for Amorphous Poly(lactide) and Poly(lactide-co-glycolide) Resins for Surgical Implants.	Transition period extended.
8–511		ASTM F1925–17 Standard Specification for Semi-Crystalline Poly(lactide) Polymer and Copolymer Resins for Surgical Implants.	Withdrawn. Duplicate recognition. See 8–471.
8–512		ASTM F2026–17 Standard Specification for Polyetheretherketone (PEEK) Polymers for Surgical Implant Applications.	Withdrawn. Duplicate recognition. See 8–475.
		J. Nanotechnology	
		No new entries at this time.	
		K. Neurology	
		No new entries at this time.	
		L. Obstetrics-Gynecology/Gastroenterology/Urology (OB-Gyn/G/Urology)	
9–84	9–123	ISO 8600–3 Second edition 2019–08 Endoscopes—Medical endoscopes and endotherapy devices—Part 3: Determination of field of view and direction of view of endoscopes with optics.	Withdrawn and replaced with newer version.
		M. Ophthalmic	
		No new entries at this time.	
		N. Orthopedic	
11–328	11–360	ASTM F1378–18 ε1 Standard Specification for Shoulder Prostheses	Withdrawn and replaced with newer version.
		O. Physical Medicine	
16–168	16–207	ANSI/RESNA WC–1:2019 American National Standard for Wheelchairs—Volume 1: Requirements and Test Methods for Wheelchairs (including Scooters) Section 1: Determination of static stability.	Withdrawn and replaced with a newer version.
16–169	16–208	ANSI/RESNA WC–2:2019 American National Standard for Wheelchairs—Volume 2: Additional Requirements for Wheelchairs (including Scooters) with Electrical Systems Section 2: Determination of dynamic stability of electrically powered wheelchairs.	Withdrawn and replaced with a newer version.
16–170	16–209	ANSI/RESNA WC–1:2019 American National Standard for Wheelchairs—Volume 1: Requirements and Test Methods for Wheelchairs (including Scooters) Section 3: determination of effectiveness of brakes.	Withdrawn and replaced with a newer version.
16–171	16–210	ANSI/RESNA WC–2:2019 American National Standard for Wheelchairs—Volume 2: Additional Requirements for Wheelchairs (including Scooters) with Electrical Systems Section 4 Energy consumption of electrically powered wheelchairs and scooters for determination of theoretical distance range.	Withdrawn and replaced with a newer version.
16–172	16–211	ANSI/RESNA WC–1:2019 American National Standard for Wheelchairs—Volume 1: Requirements and Test Methods for Wheelchairs (including Scooters) Section 5: Determination of dimensions, mass and maneuvering space.	Withdrawn and replaced with a newer version.
16–173	16–212	ANSI/RESNA WC–2:2019 American National Standard for Wheelchairs—Volume 2: Additional Requirements for Wheelchairs (including Scooters) with Electrical Systems Section 6: Determination of maximum speed of electrically powered wheelchairs.	Withdrawn and replaced with a newer version.
16–174	16–213	ANSI/RESNA WC–1:2019 American National Standard for Wheelchairs—Volume 1: Requirements and Test Methods for Wheelchairs (including Scooters) Section 7: Method of measurement of seating and wheel dimensions.	Withdrawn and replaced with a newer version.
16–175	16–214	ANSI/RESNA WC–1:2019 American National Standard for Wheelchairs—Volume 1: Requirements and Test Methods for Wheelchairs (including Scooters) Section 8: Requirements and test methods for static, impact and fatigue strengths.	Withdrawn and replaced with a newer version.
16–176	16–215	ANSI/RESNA WC–2:2019 American National Standard for Wheelchairs—Volume 2: Additional Requirements for Wheelchairs (including Scooters) with Electrical Systems Section 9: Climatic tests for electrically powered wheelchairs.	Withdrawn and replaced with a newer version.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
16–177	16–216	ANSI/RESNA WC–2:2019 American National Standard for Wheelchairs—Volume 2: Additional Requirements for Wheelchairs (including Scooters) with Electrical Systems Section 10: Determination of obstacle-climbing ability of electrically powered wheelchairs.	Withdrawn and replaced with a newer version.
16–178	16–217	ANSI/RESNA WC–1:2019 American National Standard for Wheelchairs—Volume 1: Requirements and Test Methods for Wheelchairs (including Scooters) Section 11: Test mannequins.	Withdrawn and replaced with a newer version.
16–179	16–218	ANSI/RESNA WC–1:2019 American National Standard for Wheelchairs—Volume 1: Requirements and Test Methods for Wheelchairs (including Scooters) Section 13: Determination of coefficient of friction of test surfaces.	Withdrawn and replaced with a newer version.
16–180	16–219	ANSI/RESNA WC–2:2019 American National Standard for Wheelchairs—Volume 2: Additional Requirements for Wheelchairs (including Scooters) with Electrical Systems Section 14: Power and control systems for electrically powered wheelchairs, scooters and add-on devices—Requirements and test methods.	Withdrawn and replaced with a newer version.
16–181	16–220	ANSI/RESNA WC–1:2019 American National Standard for Wheelchairs—Volume 1: Requirements and Test Methods for Wheelchairs (including Scooters) Section 15: Requirements for information disclosure, documentation and labeling.	Withdrawn and replaced with a newer version.
16–182	16–221	ANSI/RESNA WC–1:2019 American National Standard for Wheelchairs—Volume 1: Requirements and Test Methods for Wheelchairs (including Scooters) Section 16: Resistance to ignition of postural support devices.	Withdrawn and replaced with a newer version.
16–183	16–222	ANSI/RESNA WC–1:2019 American National Standard for Wheelchairs—Volume 1: Requirements and Test Methods for Wheelchairs (including Scooters) Section 20: Determination of the performance of stand-up type wheelchairs.	Withdrawn and replaced with a newer version.
16–184	16–223	ANSI/RESNA WC–1:2019 American National Standard for Wheelchairs—Volume 1: Requirements and Test Methods for Wheelchairs (including Scooters) Section 22: Set-up procedures.	Withdrawn and replaced with a newer version.
16–185	16–224	ANSI/RESNA WC–2:2019 American National Standard for Wheelchairs—Volume 2: Additional Requirements for Wheelchairs (including Scooters) with Electrical Systems Section 21: Requirements and test methods for electromagnetic compatibility of electrically powered wheelchairs and scooters, and battery chargers.	Withdrawn and replaced with a newer version.
16–187	16–225	ANSI/RESNA WC–1:2019 American National Standard for Wheelchairs—Volume 1: Requirements and Test Methods for Wheelchairs (including Scooters) Section 26: Vocabulary.	Withdrawn and replaced with a newer version.
16–205	.....	ANSI/RESNA W–4:2017 American National Standard for Wheelchairs—Volume 4: Wheelchairs and Transportation.	Withdrawn. See 16–226, 16–227, 16–228, and 16–229.
		P. Radiology	
12–110	12–327	ISO 11551 Third edition 2019–10 Optics and optical instruments—Lasers and laser-related equipment—Test method for absorptance of optical laser components.	Withdrawn and replaced with newer version.
12–270	12–328	IEC 61223–3–5 Edition 2.0 2019–09 Evaluation and routine testing in medical imaging departments—Part 3–5: Acceptance tests—Imaging performance of computed tomography X-ray equipment.	Withdrawn and replaced with newer version.
12–308	12–329	IEC 60601–2–43 Edition 2.2 2019–10 CONSOLIDATED VERSION Medical electrical equipment—Part 2–43: Particular requirements for the basic safety and essential performance of X-ray equipment for interventional procedures.	Withdrawn and replaced with newer version.
12–309	.....	IEC 60601–2–28 Edition 3.0 2017–06 Medical electrical equipment—Part 2–28: Particular requirements for the basic safety and essential performance of X-ray tube assemblies for medical diagnosis.	Transition period extended.
12–317	.....	IEC 60601–2–54 Edition 1.1 2015–04 CONSOLIDATED VERSION Medical electrical equipment—Part 2–54: Particular requirements for the basic safety and essential performance of X-ray equipment for radiography and radioscopy [Including AMENDMENT 2 (2018)].	Transition period extended.
		Q. Software/Informatics	
13–47	13–110	ISO/IEEE 11073–10101 First edition 2004–12–15 Health informatics—Point-of-care medical device communication—Part 10101: Nomenclature [Including AMENDMENT 1 (2017)].	Withdrawn and replaced with newer version including amendment.
13–48	13–111	IEEE Std 11073–10201–2018 Health informatics—Point-of-care medical device communication Part 10201: Domain Information Model.	Withdrawn and replaced with newer version.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
R. Sterility			
14–325	14–528	ISO 11139 First edition 2018–08 Sterilization of health care products—Vocabulary of terms used in sterilization and related equipment and process standards.	Withdrawn and replaced with newer version.
14–354	14–529	ISO 18472 Second edition 2018–08 Sterilization of health care products—Biological and chemical indicators—Test equipment.	Withdrawn and replaced with newer version.
14–382	14–530	ISO/ASTM 51276 Fourth edition 2019–08 Practice for use of a polymethylmethacrylate dosimetry system.	Withdrawn and replaced with newer version.
14–520	14–531	USP 42–NF37:2019 <61> Microbiological Examination of Nonsterile Products: Microbial Enumeration Tests.	Withdrawn and replaced with newer version.
14–521	14–532	USP 42–NF37:2019 <71> Sterility Tests	Withdrawn and replaced with newer version.
14–522	14–533	USP 42–NF37:2019 <85> Bacterial Endotoxins Test	Withdrawn and replaced with newer version.
14–523	14–534	USP 42–NF37:2019 <161> Medical Devices-Bacterial Endotoxin and Pyrogen Tests.	Withdrawn and replaced with newer version.
14–524	14–535	USP 42–NF37:2019 <62> Microbiological Examination of Nonsterile Products: Tests for Specified Microorganisms.	Withdrawn and replaced with newer version.
14–525	14–536	USP 42–NF37:2019 <55> Biological Indicators—Resistance Performance Tests.	Withdrawn and replaced with newer version.
14–526	14–537	USP 42–NF37:2019 <1229.5> Biological Indicators for Sterilization	Withdrawn and replaced with newer version.
S. Tissue Engineering			
		No new entries at this time.	

[1] All standard titles in this table conform to the style requirements of the respective organizations.

III. Listing of New Entries

In table 2, FDA provides the listing of new entries and consensus standards added as modifications to the list of recognized standards under Recognition List Number: 053. These entries are of standards not previously recognized by FDA.

TABLE 2—NEW ENTRIES TO THE LIST OF RECOGNIZED STANDARDS

Recognition No.	Title of standard [1]	Reference No. and date
A. Anesthesiology		
1–145	Lung ventilators and related equipment—Vocabulary and semantics	ISO 19223 First edition 2019–07.
B. Biocompatibility		
	No new entries at this time.	
C. Cardiovascular		
3–162	Standard Guide for Active Fixation Durability of Endovascular Prostheses	ASTM F3374–19.
3–163	Cardiovascular implants and extracorporeal systems—Centrifugal blood pumps	ISO 18242 First edition 2016–09–01.
D. Dental/Ear, Nose, and Throat (ENT)		
	No new entries at this time.	
E. General I (Quality Systems/Risk Management) (QS/RM)		
	No new entries at this time.	
F. General II (Electrical Safety/Electromagnetic Compatibility) (ES/EMC)		
	No new entries at this time.	
G. General Hospital/General Plastic Surgery (GH/GPS)		
6–437	Sharps injury protection—Requirements and test methods—Part 2: Reusable sharps containers.	ISO 23907–2 First edition 2019–11.

TABLE 2—NEW ENTRIES TO THE LIST OF RECOGNIZED STANDARDS—Continued

Recognition No.	Title of standard [1]	Reference No. and date
6–438	Medical electrical equipment—Part 2–77: Particular requirements for the BASIC SAFETY and essential performance of ROBOTICALLY ASSISTED SURGICAL EQUIPMENT.	IEC 80601–2–77 Edition 1.0 2019–07.
H. In Vitro Diagnostics (IVD)		
7–295	Verification of Commercial Microbial Identification and Antimicrobial Susceptibility Testing Systems.	CLSI M52, 1st ed. August 2015.
I. Materials		
8–523	Standard Guide for Using a Force Tester to Evaluate Performance of a Brush Part Designed to Clean the Internal Channel of a Medical Device.	ASTM F3275–19.
8–524	Standard Guide for Using a Force Tester to Evaluate the Performance of a Brush Part Designed to Clean the External Surface of a Medical Device.	ASTM F3276–19.
J. Nanotechnology		
	No new entries at this time.	
K. Neurology		
	No new entries at this time.	
L. Obstetrics-Gynecology/Gastroenterology/Urology (OB-Gyn/G/Urology)		
	No new entries at this time.	
M. Ophthalmic		
	No new entries at this time.	
N. Orthopedic		
11–361	Implants for surgery—Wear of total knee prostheses—Part 5: Durability performance of the patellofemoral joint.	ISO 14243–5 First edition 2019–05.
11–362	Implants for surgery—Wear of total ankle-joint prostheses—Loading and displacement parameters for wear-testing machines with load or displacement control and corresponding environmental conditions for test.	ISO 22622 First edition 2019–07.
O. Physical Medicine		
16–226	American National Standard for Wheelchairs—Volume 4: Wheelchairs and Transportation Section 10 Wheelchair containment and occupant retention systems for use in large accessible transit vehicles: systems for rearward-facing passengers.	ANSI/RESNA WC–4:2017 Section 10.
16–227	American National Standard for Wheelchairs—Volume 4: Wheelchairs and Transportation Section 18: Wheelchair tiedown and occupant restraint systems for use in motor vehicles.	ANSI/RESNA WC–4:2017 Section 18.
16–228	ANSI/RESNA W–4:2017 American National Standard for Wheelchairs—Volume 4: Wheelchairs and Transportation Section 19: Wheelchairs used as seats in motor vehicles.	ANSI/RESNA WC–4:2017 Section 19.
16–229	American National Standard for Wheelchairs—Volume 4: Wheelchairs and Transportation Section 20: Wheelchair seating systems for use in motor vehicles.	ANSI/RESNA WC–4:2017 Section 20.
P. Radiology		
	No new entries at this time.	
Q. Software/Informatics		
13–112	Principles for medical device security—Postmarket risk management for device manufacturers.	AAMI TIR97:2019.
R. Sterility		
14–538	Standard Guide for Designing Reusable Medical Devices for Cleanability	ASTM F3357–19.
S. Tissue Engineering		
	No new entries at this time.	

[1] All standard titles in this table conform to the style requirements of the respective organizations.

IV. List of Recognized Standards

FDA maintains the current list of FDA Recognized Consensus Standards in a searchable database that may be accessed at *https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfStandards/search.cfm.* Such standards are those that FDA has recognized by notice published in the **Federal Register** or that FDA has decided to recognize but for which recognition is pending (because a periodic notice has not yet appeared in the **Federal Register**). FDA will announce additional modifications and revisions to the list of recognized consensus standards, as needed, in the **Federal Register** once a year, or more often if necessary.

V. Recommendation of Standards for Recognition by FDA

Any person may recommend consensus standards as candidates for recognition under section 514 of the FD&C Act by submitting such recommendations, with reasons for the recommendation, to *CDRHStandardsStaff@fda.hhs.gov.* To be considered, such recommendations should contain, at a minimum, the information listed on FDA's website, which is specifically available at *https://www.fda.gov/medical-devices/standards-and-conformity-assessment-program/recognition-standard.*

Dated: March 24, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–06520 Filed 3–27–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice of Designation of Scarce Materials or Threatened Materials Subject to COVID–19 Hoarding Prevention Measures

AGENCY: Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) announces the issuance of a Notice under Executive Order 13910 (Executive order) and section 102 of the Defense Production Act of 1950 (the Act), as amended, designating health and medical resources necessary to respond to the spread of Coronavirus Disease 2019 (COVID–19) that are scarce or the supply of which would be threatened by excessive accumulation. These designated materials are subject to the hoarding prevention measures authorized under the Executive order and the Act. The Notice was issued on March 25, 2020.

DATES: This action took effect March 25, 2020.

FOR FURTHER INFORMATION CONTACT: Bryan Shuy: 202–703–8610; *Bryan.Shuy@hhs.gov.*

SUPPLEMENTARY INFORMATION: On March 23, 2020, and in response to the spread of COVID–19, President Trump signed Executive Order 13910 (Executive order) to prevent hoarding of health and medical resources necessary to respond to the spread of COVID–19 within the United States. As provided in the Executive order, it is the policy of the United States that health and medical resources needed to respond to the spread of COVID–19, such as personal protective equipment and sanitizing and disinfecting products, are appropriately distributed. This policy furthers the goal of protecting the Nation's healthcare systems from undue strain.

Through the Executive order, the President delegated, to the Secretary of Health and Human Services (the Secretary), his authority under section 102 of the Defense Production Act of 1950, 50 U.S.C. 4512, as amended (the Act), to prevent hoarding of health and medical resources necessary to respond to the spread of COVID–19 within the United States, and his authority to implement the Act in subsection III of chapter 55 of title 50, United States Code (50 U.S.C. 4554, 4555, 4556, and 4660). Under this delegation and the Act, the Secretary may designate such resources as scarce materials or materials the supply of which would be threatened by such accumulation (threatened materials). The Secretary may also prescribe conditions with respect to accumulation of such materials in excess of the reasonable demands of business, personal, or home consumption. The Act prohibits any person from accumulating designated materials (1) in excess of the reasonable demands of business, personal, or home consumption, or (2) for the purpose of resale at prices in excess of prevailing market prices.

HHS is issuing this Notice designating scarce materials or threatened materials that are subject to the hoarding prevention measures authorized under the Executive order and the Act. Under 50 U.S.C. 4552(13), the term ''materials'' includes any raw materials (including minerals, metals, and advanced processed materials), commodities, articles, components (including critical components), products, and items of supply; and any technical information or services ancillary to the use of any such materials, commodities, articles, components, products, or items. For purposes of this Notice, the term ''scarce materials or threatened materials'' means health or medical resources, or any of their essential components, determined by the Secretary to be needed to respond to the spread of COVID–19 and which are, or are likely to be, in short supply or the supply of which would be threatened by hoarding. Designated scarce materials or threatened materials are subject to periodic review by the Secretary.

This designation is not a ''regulation'' under the Act. *See* 50 U.S.C. 4559. To the extent that it were, the Secretary finds that, in light of the current global pandemic, urgent and compelling circumstances make compliance with public comment requirements impracticable.

See id. This designation shall terminate after 120 days from the date of publication, unless superseded by a subsequent notice.

A copy of the Notice is provided below and also can be found on HHS's website.

NOTICE OF DESIGNATION OF SCARCE MATERIALS OR THREATENED MATERIALS

Health or medical resources, or any of their essential components, determined by the Secretary of HHS to be needed to respond to the spread of COVID–19 and which are, or are likely to be, in short supply (scarce materials) or the supply of which would be threatened by hoarding (threatened materials). Designated scarce materials or threatened materials are subject to periodic review by the Secretary.

The following materials are designated pursuant to section 102 of the Defense Production Act (50 U.S.C. 4512) and Executive Order 13190 of March 23, 2020 (Preventing Hoarding of Health and Medical Resources to Respond to the Spread of COVID–19) as scarce materials or threatened materials:

1. N–95 Filtering Facepiece Respirators, including devices that are disposable half-face-piece non-powered air-purifying particulate respirators intended for use to cover the nose and mouth of the wearer to help reduce wearer exposure to pathogenic biological airborne particulates
2. Other Filtering Facepiece Respirators (*e.g.,* those designated as N99, N100, R95, R99, R100, or P95, P99, P100), including single-use, disposable half-mask respiratory protective devices that cover the user's airway (nose and mouth) and

offer protection from particulate materials at an N95 filtration efficiency level per 42 CFR 84.181
3. Elastomeric, air-purifying respirators and appropriate particulate filters/cartridges
4. Powered Air Purifying Respirator (PAPR)
5. Portable Ventilators, including portable devices intended to mechanically control or assist patient breathing by delivering a predetermined percentage of oxygen in the breathing gas
6. Drug product with active ingredient chloroquine phosphate or hydroxychloroquine HCl
7. Sterilization services for any device as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act and sterilizers as defined in 21 CFR 880.6860, 880.6870, and 880.6880, including devices that already have FDA marketing authorization and those that do not have FDA marketing authorization but are intended for the same uses
8. Disinfecting devices intended to kill pathogens and other kinds of microorganisms by chemical means or physical means, including those defined in 21 CFR 876.1500, 880.6992, and 892.1570 and other sanitizing and disinfecting products suitable for use in a clinical setting
9. Medical gowns or apparel, *e.g.,* surgical gowns or isolation gowns
10. Personal protective equipment (PPE) coveralls, *e.g.,* Tyvek Suits
11. PPE face masks, including any masks that cover the user's nose and mouth and may or may not meet fluid barrier or filtration efficiency levels
12. PPE surgical masks, including masks that covers the user's nose and mouth and provides a physical barrier to fluids and particulate materials
13. PPE face shields, including those defined at 21 CFR 878.4040 and those intended for the same purpose
14. PPE gloves or surgical gloves, including those defined at 21 CFR 880.6250 (exam gloves) and 878.4460 (surgical gloves) and such gloves intended for the same purposes
15. Ventilators, anesthesia gas machines modified for use as ventilators, and positive pressure breathing devices modified for use as ventilators (collectively referred to as ''ventilators''), ventilator tubing connectors, and ventilator accessories as those terms are described in FDA's March 2020 Enforcement Policy for Ventilators and Accessories and Other Respiratory Devices During the Coronavirus Disease 2019 (COVID–19) Public Health Emergency located at *https://www.fda.gov/media/136318/download*

Authority

The authority for this Notice is Executive Order 13910 and section 102 of the Defense Production Act of 1950, 50 U.S.C. 4512, as amended.

Wilma M. Robinson,

Deputy Executive Secretary, Department of Health and Human Services.

[FR Doc. 2020–06641 Filed 3–26–20; 11:15 am]

BILLING CODE 4150–03–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2020–0002]

Notice of Request for Extension of a Currently Approved Information Collection for Chemical-Terrorism Vulnerability Information (CVI)

AGENCY: Cybersecurity and Infrastructure Security Agency, DHS.

ACTION: 60-Day notice and request for comments; extension of Information Collection Request: 1670–0015.

SUMMARY: The Infrastructure Security Division (ISD) within the Cybersecurity and Infrastructure Security Agency (CISA) will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The submission proposes to renew the information collection for an additional three years and update the burden estimates.

DATES: Comments are encouraged and will be accepted until May 29, 2020.

ADDRESSES: You may send comments, identified by docket number through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for sending comments.

Instructions: All submissions received must include the agency name ''CISA'' and docket number CISA–2020–0002. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Comments that include trade secrets, confidential commercial or financial information, Chemical-terrorism Vulnerability Information (CVI),[1] Sensitive Security Information (SSI),[2] or Protected Critical Infrastructure Information (PCII) [3] should not be submitted to the public docket. Comments containing trade secrets, confidential commercial or financial information, CVI, SSI, or PCII should be appropriately marked and packaged in accordance with applicable requirements and submitted by mail to the DHS/CISA/Infrastructure Security Division, CFATS Program Manager at CISA, 245 Murray Lane SW, Mail Stop 0610, Arlington, VA 20528–0610. Comments must be identified by docket number CISA–2020–0002.

FOR FURTHER INFORMATION CONTACT: Lona Saccomando, 703–235–5263, *cfats@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: The CFATS Program identifies and regulates the security of high-risk chemical facilities using a risk-based approach. Congress initially authorized the CFATS Program under Section 550 of the Department of Homeland Security Appropriations Act of 2007, Public Law 109–295 (2006) and reauthorized it under the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 [4] or ''CFATS Act of 2014'' (Pub. L. 113–254, 6 U.S.C. 621 *et seq.*). The Department implemented the CFATS Program through rulemaking and issued an Interim Final Rule (IFR) on April 9, 2007 and a final rule on November 20, 2007. See 72 FR 17688 and 72 FR 65396.

Pursuant to 6 U.S.C. 623, the CFATS regulations establish the requirements under 6 CFR 27.400 that covered persons must follow to safeguard certain documents and other information developed under the regulations from unauthorized disclosure. This information is identified as CVI and, by law, receives protection from public disclosure and misuse. This collection will be used to manage the CVI program in support of CFATS. The current information collection for the CVI program (IC 1670–0015) will expire on January 31, 2021.[5]

CISA proposes one revision from the previously approved collection. Specifically, to increase the loaded

[1] For more information about CVI see 6 CFR 27.400 and the CVI Procedural Manual at *www.dhs.gov/publication/safeguarding-cvi-manual.*

[2] For more information about SSI see 49 CFR part 1520 and the SSI Program web page at *www.tsa.gov/for-industry/sensitive-security-information.*

[3] For more information about PCII see 6 CFR part 29 and the PCII Program web page at *www.dhs.gov/pcii-program.*

[4] The CFATS Act of 2014 codified the CFATS program into the Homeland Security Act of 2002. See 6 U.S.C. 621 *et seq.,* as amended by Public Law 116–2.

[5] The current information collection for CVI (*i.e.,* IC 1670–0015) may be viewed at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201704-1670-002.*

average hourly wage rate of respondents from $78.93 to $79.75 based on updated BLS wage and compensation data.

This process is conducted in accordance with 5 CFR 1320.8.

CISA's Methodology in Estimating the Burden for the Chemical-Terrorism Vulnerability Information Authorization

Number of Respondents

The current information collection estimated that 20,000 respondents submit a request to become a CVI Authorized User Number annually. The table below provides the number of respondents over the past three years (*i.e.,* Fiscal Year (FY) 2017 through FY 2019).

	FY 2017	FY 2018	FY 2019
Number of Respondents	19,392	16,504	13,667

Due to past fluctuations and uncertainty regarding the number of future respondents, CISA believes that 20,000 continues to be a reasonable estimate. Therefore, CISA proposes to retain the estimated the annual number of respondents.

Estimated Time per Respondent

In the current information collection, the estimated time per respondent to prepare and submit a CVI Authorization is 0.50 hours (30 minutes). CISA proposes to retain the estimated time per respondent.

Annual Burden Hours

The annual burden hours for the CVI Authorization is [0.50 hours × 20,000 respondents × 1 response per respondent], which equals 10,000 hours.

Total Capital/Startup Burden Cost

CISA provides access to CSAT free of charge and assumes that each respondent already has computer hardware and access to the internet for basic business needs. Therefore, there are no annualized capital or start-up costs incurred by chemical facilities of interest or high-risk chemical facilities for this information collection.

Total Recordkeeping Burden

There are no recordkeeping burden costs incurred by chemical facilities of interest or high-risk chemical facilities for this information collection.

Total Annual Burden Cost

CISA assumes that the majority of individuals who will complete this instrument are Site Security Officers (SSOs), although a smaller number of other individuals may also complete this instrument (*e.g.,* Federal, State, and local government employees and contractors). For the purpose of this notice, CISA maintains this assumption. Therefore, to estimate the total annual burden, CISA multiplied the annual burden of 10,000 hours by the loaded average hourly wage rate of SSOs of $79.75 per hour.[6] Therefore, the total annual burden cost for the CVI Authorization instrument is $797,474 [10,000 total annual burden hours × $79.75 per hour].

Analysis

Agency: Department of Homeland Security, Cybersecurity and Infrastructure Agency, Infrastructure Security Division, Infrastructure Security Compliance Division.

Title: CFATS Chemical-terrorism Vulnerability Information.

OMB Number: 1670–0015.

Instrument: Chemical-terrorism Vulnerability Information Authorization.

Frequency: ''On occasion'' and ''Other''.

Affected Public: Business or other for-profit.

Number of Respondents: 20,000 respondents (rounded estimate).

Estimated Time per Respondent: 0.50 hours.

Total Burden Hours: 10,000 annual burden hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost: $797,474.

Richard S. Libby,

Deputy Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2020–06499 Filed 3–27–20; 8:45 am]

BILLING CODE 9110–9P–P

[6] The wage used for an SSO equals that of Managers, All (11–9199), with a load factor of 1.43508 to account for benefits in addition to wages *https://www.bls.gov/oes/2018/may/oes119199.htm.* The load factor is estimated by dividing total compensation by total wages and salaries for the Management, Professional and Related series ($60.79/$42.36), which can be found at *https://www.bls.gov/news.release/ecec.t04.htm.*

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[OMB Control Number 1653–0048]

Agency Information Collection Activities: Extension, Without Change, of a Currently Approved Collection: ICE Mutual Agreement Between Government and Employers (IMAGE)

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995 the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance. This information collection was previously published in the **Federal Register** on January 27, 2020, allowing for a 60-day comment period. ICE received no comments. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until April 29, 2020.

ADDRESSES: Written comments and recommendations should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: For specific question related to collection activities, please contact: John Morris (202–732–5409), *john.j.morris@ice.dhs.gov,* U.S. Immigration and Customs Enforcement.

SUPPLEMENTARY INFORMATION:

Comments

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* U.S. Immigration and Customs Enforcement (ICE) Mutual Agreement between Government and Employers (IMAGE) Self-Assessment Questionnaire

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* 73–028; ICE.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit; Not-for-profit institutions. The U.S. Immigration and Customs Enforcement Mutual Agreement between Government and Employers (IMAGE) program is the outreach and education component of the Homeland Security Investigations (HSI) Worksite Enforcement (WSE) program. IMAGE is designed to build cooperative relationships with the private sector to enhance compliance with immigration laws and reduce the number of unauthorized aliens within the American workforce. Under this program ICE will partner with businesses representing a cross-section of industries. A business will initially complete and prepare an IMAGE application so that ICE can properly evaluate the company for inclusion in the IMAGE program. The information provided by the company plays a vital role in determining its suitability for the program. While 8 U.S.C. 1324(a) makes it illegal to knowingly employ a person who is not in the U.S. legally, there is no requirement for any entity in the private sector to participate in the program and the information obtained from the company should also be available to the public.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* ICE estimates a total of 66 responses at 90 minutes (1.5 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 150 annual burden hours.

Dated: March 24, 2020.

Scott Elmore,

PRA Clearance Officer.

[FR Doc. 2020–06475 Filed 3–27–20; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7024–N–17]

30-Day Notice of Proposed Information Collection: Disclosure of Adjustable Rate Mortgage (ARM) Rates

AGENCY: Office of the Chief Information Office, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* April 29, 2020.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/Start Printed Page 15501PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A. The **Federal Register** notice for the 60 days was published January 17, 2020 at 85 FR 3069.

A. Overview of Information Collection

Title of Information Collection: Disclosure of Adjustable Rate Mortgage (ARM) Rates.

OMB Approval Number: 2502–0322.

Type of Request: Extension.

Form Number: None.

Description of the need for the information and proposed use: Lenders must provide mortgagors with adjustable rate mortgages an annual ARM Disclosure Notice at least 25 days before any adjustment to a mortgagor's monthly payment may occur, and the mortgagee must inform the borrower of the changed interest rate, monthly mortgage amount, the current index interest rate value, and how the payment adjustment was calculated. HUD may review lender loan files to ensure lenders are in compliance.

Respondents: Business or other for-profit (lenders).

Estimated Number of Respondents: 2,440.

Estimated Number of Responses: 108,556.

Frequency of Response: One per FHA-insured adjustable rate loan.

Average Hours per Response: 0.050084 hour.

Total Estimated Burdens: 5,437.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility.

(2) if the information will be processed and used in a timely manner.

(3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used.

(4) ways to enhance the quality, utility and clarity of the information collection; and

(5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: March 24, 2020.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2020–06493 Filed 3–27–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7027–N–11; OMB Control No.: 2502–0505

60-Day Notice of Proposed Information Collection: Capital Needs Assessment (CNAs)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* May 29, 2020.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at (800) 877–8339 (this is a toll-free number).

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400(this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at (800) 877–8339 (this is a toll-free number).

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Capital Needs Assessment (CNAs).

OMB Approval Number: 2502–0505.

OMB Expiration Date: 08/31/2021.

Type of Request: Revision of a currently approved collection.

Form Number: N/A.

Description of the need for the information and proposed use: A Capital Needs Assessment is a detailed review of a property's expected capital expenditures over future years. It is needed to appropriately value a project/property, to determine financial sustainability, and to plan for funding of an escrow account to be used for capital repair and replacement needs during the estimate period. It is used by external parties, and HUD for valuation, underwriting, and asset management purposes. The proposed change involves the current excel assessment tool that is being rewritten and incorporated into the system for enhanced security and credentials.

Respondents (i.e., affected public): Assessor firms, lender originator, lender servicer, Participating Administrative Entity (PAE), Public Housing Agency (PHA) for RAD Projects, and the Project Rental Assistance Contract (PRAC) owner.

Estimated Number of Respondents: 2,041.

Estimated Number of Responses: 2,041.

Frequency of Response: Once periodically.

Average Hours per Response: 36 hours.

Total Estimated Burden: 73,476 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

(5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

The Associate General Deputy Assistant Secretary, Vance T. Morris, having reviewed and approved this document, is delegating the authority to electronically sign this document to Aaron Santa Anna, who is the Federal Register Liaison for HUD, for purposes of publication in the **Federal Register**.

Dated: March 24, 2020.

Aaron Santa Anna,

Federal Register Liaison, U.S. Department of Housing and Urban Development.

[FR Doc. 2020–06439 Filed 3–27–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/A0A501010.999900 253G; OMB Control Number 1076–0188]

Agency Information Collection Activities; Appraisals & Valuations of Indian Property

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 29, 2020.

ADDRESSES: Send your comments on this information collection request (ICR) by email to *elizabeth.appel@bia.gov.* Please reference OMB Control Number 1076–0188 in the subject line of your comments. If you have comments but are unable to email them, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Ms. Sharlene Round Face by email at *Sharlene.RoundFace@bia.gov* or by telephone at (505) 563–5258.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIA; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIA enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIA minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Title III of the Indian Trust Asset Reform Act (25 U.S.C. 5601, *et seq*) requires the Secretary of the Interior to publish minimum qualifications for appraisers of Indian property and allows the Secretary to accept appraisals performed by those appraisers without further review or approval. The Secretary has developed a regulation at 43 CFR 100 to implement these provisions. The regulation requires appraisers to submit certain information so that the Secretary can verify that the appraiser meets the minimum qualifications.

Title of Collection: Appraisals & Valuations of Indian Property.

OMB Control Number: 1076–0188.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individual Indians and Federally Recognized Indian Tribes.

Total Estimated Number of Annual Respondents: 10.

Total Estimated Number of Annual Responses: 30.

Estimated Completion Time per Response: One hour.

Total Estimated Number of Annual Burden Hours: 30.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2020–06484 Filed 3–27–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/A0A501010.999900 253G; OMB Control Number 1076–0176]

Agency Information Collection Activities; IDEIA Part B and C Child Count

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Education (BIE) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 29, 2020.

ADDRESSES: Send your comments on this information collection request (ICR) by email to Paulina Bell at *paulina.bell@bie.edu.* Please reference OMB Control Number 1076–0176 in the subject line of your comments. If you have comments but are unable to email them, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Eugene Thompson by email at *Eugene.thompson@bie.edu,* or by telephone at 202–860–5812.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the BIE; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the BIE enhance the quality, utility, and clarity of the information to be collected; and (5) how might the BIE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Indian Tribes and Tribal organizations served by elementary or secondary schools for Indian children operated or funded by the Departments of the Interior that receive allocations of funding under the IDEIA for the coordination of assistance for Indian children 0 to 5 years of age with disabilities on reservations must submit information to the BIE. The information must be provided on two forms. The Part B form addresses Indian children 3 to 5 years of age on reservations served by Bureau-funded schools. The Part C

form addresses Indian children up to 3 years of age on reservations served by Bureau-funded schools. The information required by the forms includes counts of children as of a certain date each year.

Title of Collection: IDEIA Part B and Part C Child Count.

ZOMB Control Number: 1076–0176.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Indian Tribes and Tribal organizations.

Total Estimated Number of Annual Respondents: 61.

Total Estimated Number of Annual Responses: 122.

Estimated Completion Time per Response: 20 hours per form.

Total Estimated Number of Annual Burden Hours: 2,440 hours.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Twice (Once per year for each form).

Total Estimated Annual Nonhour Burden Cost: $0.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2020–06474 Filed 3–27–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY920000. L57000000.FI0000. 16XL5017AR]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease WYW59809, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: As provided for under the Mineral Leasing Act of 1920, as amended, the Bureau of Land Management (BLM) received a petition for reinstatement of noncompetitive oil and gas lease WYW59809 from Devon Energy Production Co. LP et al. for land in Converse County, Wyoming. The lessee filed the petition on time, along with all rentals due since the lease terminated under the law. No leases affecting this land were issued before the petition was filed.

FOR FURTHER INFORMATION CONTACT: Chris Hite, Branch Chief for Fluid Minerals Adjudication, Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009; phone 307–775–6176; email *chite@blm.gov.*

Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Mr. Hite during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. A reply will be sent during normal business hours.

SUPPLEMENTARY INFORMATION: Termination of a lease is automatic and statutorily imposed by Congress when rental fees are not paid in a timely manner. Similarly, reinstatement terms are also set by Congress upon submission of a petition for reinstatement from a lessee. Rental was not paid on time for noncompetitive oil and gas lease WYW59809, prompting lease termination by operation of law. As provided for under the Mineral Leasing Act of 1920, as amended, the BLM received a petition for reinstatement from the lessee of record, Devon Energy Production Co. LP et al. for land in Converse County, Wyoming. The lessee filed the petition on time along with all rentals due since the leases terminated under operation of law. The lease will be reinstated 30 days after publication of the proposed reinstatement notice in the **Federal Register**.

The lessee agreed to the amended lease terms for rentals and royalties at rates of $5 per acre, or fraction thereof, per year and 16–2/3 percent, respectively and additional lease stipulations. The lessee has paid the required $500 administrative fee and the $159 cost of publishing this notice. The lessee met the requirements for reinstatement of the lease per Sec. 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188).

Reinstatement of this lease conforms to the terms and conditions of all applicable land use plans, including the 2015 Approved Resource Management Plan Amendments for the Rocky Mountain Region, and other applicable National Environmental Policy Act documents. The BLM proposes to reinstate the lease effective August 1, 2015, under the amended terms and conditions of the lease and the increased rental and royalty rates cited above.

Authority: 30 U.S.C. 188(e)(4) and 43 CFR 3108.2–3(b)(2)(v).

Chris Hite,

Chief, Branch of Fluid Minerals Adjudication.

[FR Doc. 2020–06565 Filed 3–27–20; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–29991; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before March 7, 2020, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by April 14, 2020.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION:

The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before March 7, 2020. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

DISTRICT OF COLUMBIA

District of Columbia

District of Columbia Recorder of Deeds, 515 D St. NW, Washington, SG100005181

GEORGIA

Fulton County

Briarcliff Plaza, 1027 and 1061 Ponce de Leon Ave. NE, Atlanta, SG100005182

LOUISIANA

East Baton Rouge Parish

Southern University Historic District (Boundary Increase), Roughly bounded by Harding Blvd., the Mississippi River, Roosevelt Steptoe Dr. and the eastern edge of Lake Kernan, Baton Rouge, BC100005185

Jefferson Parish

Humble Oil Camp Historic District, (Louisiana Coastal Vernacular: Grand Isle 1780–1968 MPS), 101–143 Marlin Ln., Grand Isle, MP100005188

Lafourche Parish

Peltier, Harvey Andrew, Sr., House, 430 East 1st St., Thibodaux, SG100005187

Orleans Parish

Norwegian Seamen's Church, 1758–1772 Prytania St., New Orleans, SG100005186

MICHIGAN

Manistee County

Guardian Angels Church, 371–375 Fifth St., Manistee, SG100005180

NEW JERSEY

Gloucester County

West Jersey Rail Road Glassboro Depot, 354 Oakwood Ave., Glassboro, SG100005179

WISCONSIN

Sauk County

Simonds 10-Sided Barn, (Wisconsin Centric Barns MPS), S4680 Rocky Point Rd., Greenfield, MP100005183

Additional documentation has been received for the following resource:

LOUISIANA

Orleans Parish

Vieux Carré Historic District (Additional Documentation), Bounded by the Mississippi River, Rampart and Canal Sts., and Esplanade Ave., New Orleans, AD66000377

Authority: Section 60.13 of 36 CFR part 60.

Dated: March 9, 2020.

Julie H. Ernstein,

Supervisory Archeologist, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2020–06487 Filed 3–27–20; 8:45 am]

BILLING CODE 4312–52–P

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee; Meeting

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Joint Board for the Enrollment of Actuaries gives notice of a closed teleconference meeting of the Advisory Committee on Actuarial Examinations.

DATES: The meeting will be held on April 20, 2020, from 9:30 a.m. to 6:00 p.m. (EDT).

FOR FURTHER INFORMATION CONTACT: Elizabeth Van Osten, Designated Federal Officer, Advisory Committee on Actuarial Examinations, (202) 317–3648.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will hold a teleconference meeting on April 20, 2020, from 9:30 a.m. to 6:00 p.m. (EDT). The meeting will be closed to the public.

The purpose of the meeting is to discuss topics and questions that may be recommended for inclusion on future Joint Board examinations in actuarial mathematics, pension law and methodology referred to in 29 U.S.C. 1242(a)(1)(B).

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that the subject of the meeting falls within the exception to the open meeting requirement set forth in Title 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: March 24, 2020.

Thomas V. Curtin, Jr.,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 2020–06552 Filed 3–27–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act, the Oil Pollution Act of 1990, and the Pipeline Safety Laws

On March 13, 2020, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Central District of California (''Court'') in the lawsuit entitled *United States and the People of the State of California* v. *Plains All American Pipeline, L.P. et al.,* Civil Action No. 2:20–cv–02415 (C.D. Cal.). At the request of the public, the Department of Justice is extending the public comment period for an additional 30 days.

The United States filed a Complaint against Plains All American Pipeline, L.P. and Plains Pipeline, L.P. (jointly, ''Plains'') arising out of Plains' violations of pipeline safety laws and liability for the May 19, 2015, discharge of approximately 2,934 barrels of crude oil from Plains' Line 901, located near Refugio State Beach and Santa Barbara, California. The Complaint seeks penalties, injunctive relief, and natural resource damages and assessment costs for the United States, on behalf of the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration; the United States Environmental Protection Agency; the United States Department of the Interior; the United States Department of Commerce, National Oceanic and Atmospheric Administration; and the United States Coast Guard. The United States' claims are brought, as applicable, under the Pipeline Safety Laws, 49 U.S.C. 60101 *et seq.;* the Clean Water Act, 33 U.S.C. 1251 *et seq.;* and the Oil Pollution Act of 1990, 33 U.S.C. 2701 *et seq.* The State of California is a co-plaintiff signatory to the Complaint under applicable State of California laws, and a signatory to the proposed Consent Decree, which also resolves certain State of California claims.

The proposed Consent Decree requires Plains to: (1) Pay $24 million in penalties; (2) implement injunctive relief to improve Plains' nationwide pipeline system, in addition to modifying operations relating to the May 19, 2015, oil discharge from Plains' Line 901; and (3) pay $22.325 million in natural resource damages. Plains previously reimbursed the United States and the State of California approximately $10 million for natural resource damage assessment costs, and the United States approximately $4.26 million for removal or clean-up costs.

Notice of lodging of the Consent Decree was originally published in the **Federal Register** on March 19, 2020. See 85 FR 15,815 (March 19, 2020). The publication of the original notice opened a thirty (30) day period for public comment on the Consent Decree. The publication of the present notice extends the period for public comment on the Consent Decree until May 20, 2020.

Comments should be addressed to the Assistant Attorney General,

Environment and Natural Resources Division, and should refer to *United States and the People of the State of California* v. *Plains Pipeline, L.P. et al.,* D.J. Ref. No. 90–5–1–1–11340. All comments must be submitted no later than May 20, 2020. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the lodged proposed Consent Decree may be examined and downloaded at this Justice Department website: *https://www.usdoj.gov/enrd/consent-decrees.*

We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $25.50 (25 cents per page reproduction cost) payable to the United States Treasury, for a paper copy of the proposed Consent Decree.

Henry S. Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2020–06500 Filed 3–27–20; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (NIJ) Docket No. 1776]

Request for Public Comment on Proposed Revision of NIJ Standard 0115.00, Stab Resistance of Personal Body Armor

AGENCY: National Institute of Justice, Justice.

ACTION: Notice.

SUMMARY: The National Institute of Justice (NIJ) seeks feedback from the public on a proposed revision of NIJ Standard 0115.00, *Stab Resistance of Personal Body Armor,* that specifies minimum performance requirements and test methods for the stab resistance of body armor used by U.S. criminal justice personnel that is intended to protect the torso against knife and spike stab threats.

DATES: Comments must be received by 5 p.m. Eastern Time on June 29, 2020.

How To Respond and What To Include: The draft document can be found here: *https://nij.ojp.gov/standards-and-testing-requests-comment-and-information.* The draft document is available in both Word and pdf formats. To submit comments, NIJ encourages commenters to fill out the comment template and send it in an email to the contact listed below with ''Draft NIJ Standard 0115.01, Stab Resistance of Body Armor'' in the subject line. Please provide contact information with the submission of comments. All materials submitted are subject to public release under the Freedom of Information Act, and will be shared with U.S. Government staff or U.S. Government contractors for evaluation purposes to revise the draft document. Comments should not include any sensitive personal information or commercially confidential information. If you wish to voluntarily submit confidential commercial information, but do not want it to be publicly released, you must mark that information prominently as ''CONFIDENTIAL COMMERCIAL INFORMATION'' and NIJ will, to the extent permitted by law, withhold such information from public release.

FOR FURTHER INFORMATION CONTACT: Mark Greene; Technology and Standards Division Director; Office of Research, Evaluation, and Technology; National Institute of Justice, 810 7th Street NW, Washington, DC 20531; telephone number: (202) 307–3384; email address: *mark.greene2@usdoj.gov.*

SUPPLEMENTARY INFORMATION: This draft document is a proposed revision of NIJ Standard 0115.00, *Stab Resistance of Personal Body Armor,* published in 2000 and found here: *https://www.ncjrs.gov/pdffiles1/nij/183652.pdf.* The final version of this draft document is anticipated to be published in 2021 as NIJ Standard 0115.01, *Stab Resistance of Body Armor.* Its primary purpose will be for use by the NIJ Compliance Testing Program (CTP) for testing and evaluation of stab-resistant body armor for certification by NIJ. It will be used by both laboratories that test body armor and body armor manufacturers participating in the NIJ CTP. This standard will be included in the Personal Body Armor scope of accreditation used by the National Voluntary Laboratory Accreditation Program (NVLAP) to accredit laboratories that test body armor.

For more information on NIJ's voluntary standards, please visit *https://www.nij.gov/standards.* For more information on body armor, please visit *https://www.nij.gov/body-armor* and *https://www.policearmor.org.*

David B. Muhlhausen,

Director, National Institute of Justice.

[FR Doc. 2020–06516 Filed 3–27–20; 8:45 am]

BILLING CODE 4410–20–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities

Arts and Artifacts Indemnity Panel Advisory Committee

AGENCY: Federal Council on the Arts and the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the Federal Council on the Arts and the Humanities will hold a meeting of the Arts and Artifacts International Indemnity Panel.

DATES: The meeting will be held on Tuesday, May 12, 2020, from 12:00 p.m. to 5:00 p.m.

ADDRESSES: The meeting will be held by teleconference originating at the National Endowment for the Arts, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, Room 4060, Washington, DC 20506, (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the meeting is for panel review, discussion, evaluation, and recommendation on applications for Certificates of Indemnity submitted to the Federal Council on the Arts and the Humanities, for exhibitions beginning on or after June 1, 2020. Because the meeting will consider proprietary financial and commercial data provided in confidence by indemnity applicants, and material that is likely to disclose trade secrets or other privileged or confidential information, and because it is important to keep the values of objects to be indemnified and the methods of transportation and security measures confidential, I have determined that that the meeting will be closed to the public pursuant to subsection (c)(4) of section 552b of Title 5, United States Code. I have made this determination under the authority granted me by the Chairman's Delegation of Authority to Close

Advisory Committee Meetings, dated April 15, 2016.

Dated: March 24, 2020.

Caitlin Cater,

Attorney-Advisor, National Endowment for the Humanities.

[FR Doc. 2020–06483 Filed 3–27–20; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board's Vision 2030 Task Force, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME & DATE: Wednesday, April 1, 2020, at 1:00–2:00 p.m. EDT.

PLACE: This meeting will be held by teleconference at the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. An audio link will be available for the public. Members of the public must contact the Board Office to request the public audio link by sending an email to *nationalsciencebrd@nsf.gov* at least 24 hours prior to the teleconference.

STATUS: Open.

MATTERS TO BE CONSIDERED: Discussion and finalization of the Vision 2030 draft, and vote on recommending approval to the National Science Board.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Kathy Jacquart, *kjacquar@nsf.gov,* 703–292–7000. Meeting information and updates may be found at *http://www.nsf.gov/nsb/notices.jsp#sunshine.* Please refer to the National Science Board website at *www.nsf.gov/nsb* for general information.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2020–06680 Filed 3–26–20; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–400; NRC–2020–0080]

Duke Energy Progress, LLC; Shearon Harris Nuclear Power Plant, Unit 1

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. NFP–63, issued to Duke Energy Progress, LLC, for operation of the Shearon Harris Nuclear Power Plant, Unit 1. The proposed amendment would revise the Technical Specifications (TSs) to include the NRC-approved topical report, ANP–10341P–A, ''The ORFEO–GAIA and ORFEO–NMGRID Critical Heat Flux Correlations,'' and add Appendix J to DPC–NE–2005–P, ''Thermal-Hydraulic Statistical Core Design Methodology.'' TSs would be revised to add the departure from nucleate boiling ratio safety limit for a fuel assembly design with characteristics similar to the GAIA fuel design using the ORFEO–GAIA correlation methodology. The TSs would also be revised with minor formatting editorial adjustments to the impacted pages. For this amendment request, the NRC proposes to determine that it involves no significant hazards consideration. Because this amendment request contains sensitive unclassified non-safeguards information (SUNSI), an order imposes procedures to obtain access to SUNSI for contention preparation.

DATES: Submit comments by April 29, 2020. Requests for a hearing or petition for leave to intervene must be filed by May 29, 2020. Any potential party as defined in § 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must request document access by April 9, 2020.

ADDRESSES: You may submit comments by any of the following methods

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0080. Address questions about NRC dockets IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Tanya E. Hood, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1387, email: *Tanya.Hood@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2020–0080 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0080.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The application dated April 10, 2019, as supplemented by letters dated June 6, 2019 and December 20, 2019 are available in ADAMS under Accession Nos. ML19100A442, ML19157A036, and ML19354B380 respectively.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2020–0080 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC

does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to Facility Operating License No. NFP–63, issued to Duke Energy Progress, LLC, for operation of the Shearon Harris Nuclear Power Plant (Harris), Unit 1, located in Wake and Chatham Counties, North Carolina. The proposed amendment would revise the Harris TSs to include the NRC-approved topical report, ANP–10341P–A, for the correlation associated with the fuel design transition from the high thermal performance fuel to a fuel assembly design with characteristics similar to the GAIA fuel design.

The amendment would also add Appendix J to DPC–NE–2005–P to address the applicability of the ORFEO–GAIA critical heat flux correlation methodology to a fuel assembly design with characteristics similar to the GAIA fuel design at Harris. In addition, the TSs would be revised to add the departure from nucleate boiling ratio safety limit for a fuel assembly design with characteristics similar to the GAIA fuel design using the ORFEO–GAIA correlation methodology. The TSs would also be revised with minor formatting editorial adjustments to the impacted pages.

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below, along with NRC edits in square brackets:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

[Response: No.]

The proposed change incorporates into [Harris'] TS a limit on the departure from nucleate boiling ratio (DNBR) safety limit for [a fuel assembly design with characteristics similar to the GAIA fuel design] that is based on a NRC reviewed and approved correlation, and does not require a physical change to plant systems, structures or components. Plant operations and analysis will continue to be in accordance with the [Harris] licensing basis. This change does not impact any of the accident initiators. The departure from nucleate boiling ratio is the basis for protecting the fuel and is consistent with the safety analysis. The DNBR setpoint continues to ensure automatic protective action is initiated to prevent exceeding the proposed DNBR safety limit.

The proposed safety limit ensures that fuel integrity will be maintained during normal operations and anticipated operational transients. The core operating limits report will be developed in accordance with the approved methodology. The proposed safety limit value and proposed Appendix J to the DPC–NE–2005–P methodology report do not affect the performance of any equipment used to mitigate the consequences of an analyzed accident. There is no impact on the source term or pathways assumed in accidents previously assumed. No analysis assumptions are violated and there are no adverse effects on the factors that contribute to offsite or onsite dose as the result of an accident.

The proposed change also adds a topical report for a NRC reviewed and approved critical heat flux (CHF) correlation to the list of topical reports in the [Harris] TS, which is administrative in nature and has no impact on a plant configuration or system performance relied upon to mitigate the consequences of an accident. The list of topical reports in the TS used to develop the core operating limits does not impact either the initiation of an accident or the mitigation of its consequences. Additionally, the editorial change to remove the excess spacing between subitems in TS 6.9.1.6.2 is strictly administrative and has no impact on the technical content.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

[Response: No.]

The proposed change does not require a physical change to plant systems, structures or components. The proposed change extends the use of DPC–NE–2005–P–A by [Harris] for [a fuel assembly design with characteristics similar to the GAIA fuel design] and adds a limit on DNBR for [a fuel assembly design with characteristics similar to the GAIA fuel design] to the [Harris] TS that is based on the NRC reviewed and approved ORFEO–GAIA CHF correlation, ensuring that the fuel design limits are met. Operations and analyses will continue to be in compliance with NRC regulations. The addition of a new DNBR limit does not affect any accident initiators that would create a new accident.

The proposed safety limit value does not change the methods governing normal plant operation, nor are the methods utilized to respond to plant transients altered. The CHF correlation is not an accident/event initiator. No new initiating events or transients result from the use of the ORFEO/GAIA CHF correlation or the related safety limit change.

The proposed change also adds a topical report for a NRC reviewed and approved CHF correlation to the list of topical reports in the [Harris] TS, which is administrative in nature and has no impact on a plant configuration or system performance. The proposed change updates the list of NRC-approved topical reports used to develop the core operating limits. There is no change in the parameters within which the plant is normally operated. Additionally, the editorial change to remove the excess spacing between sub-items in TS 6.9.1.6.2 is strictly administrative and has no impact on the technical content. The possibility of a new or different kind of accident is not created.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

[Response: No.]

The proposed safety limit value has been established in accordance with the methodology for the ORFEO–GAIA CHF correlation to ensure that the applicable margin of safety is maintained (*i.e.,* there is at least 95% probability at a 95% confidence level that the hot fuel rod does not experience DNB [departure from nucleate boiling]). The other reactor core safety limits will continue to be met by analyzing the reload using NRC-approved methods and incorporation of resultant operating limits into the Core Operating Limits Report. Consistent with the existing methodology, the use of the proposed Appendix J to the methodology will continue to ensure that all applicable design and safety limits are satisfied such that the fission product barriers will continue to perform their design functions.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The

Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance

with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated April 10, 2019, as supplemented by letters dated June 6, 2019 and December 20, 2019.

Attorney for licensee: David Cummings, Associate General Counsel, Duke Energy Corporation, Mail Code DEC45, 550 South Tryon St., Charlotte, NC 28202.

NRC Branch Chief: Undine Shoop.

V. Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Deputy

General Counsel for Hearings and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *RidsOgcMailCenter.Resource@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 24th of March, 2020.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requesters should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/Activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to SUNSI with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	NRC staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no ''need'' or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2020–06486 Filed 3–27–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

672nd Meeting of the Advisory Committee on Reactor Safeguards (ACRS)

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on April 8–11, 2020. As part of the coordinated government response to combat COVID–19, the Committee will conduct virtual meetings. The public will be able to participate any open sessions via 1–866–822–3032, pass code 8272423#.

Wednesday, April 8, 2020

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–12:00 p.m.: Surry Power Station Subsequent License Renewal (Open)—The Committee will have briefing and discussion with representatives of NRC staff and Virginia Electric and Power Company regarding the safety evaluation associated with the above license renewal application.

1:00 p.m.–5:00 p.m.: NuScale: Chapter 15, Boron Dilution, Return to Criticality, Probabilistic Risk Analysis (PRA), and Hydrogen & Oxygen Monitoring (Open/Closed)—The Committee will have briefing and discussion with representatives of NRC staff and NuScale regarding the above topics. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

5:00 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

Thursday, April 9, 2020

8:30 a.m.–10:00 a.m.: Kairos Advanced Reactor Design—Scaling Methodology and Reactor Coolant Topical Reports (Open/Closed)—The Committee will have briefing and discussion with representatives of NRC staff and Kairos Power regarding the subject topical reports. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

10:15 a.m.–12:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

2:00 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

Friday, April 10, 2020

8:30 a.m.–10:30 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings. [**Note:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b (c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.] [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

10:45 a.m.–12:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

1:00 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

Saturday, April 11, 2020

8:30 a.m.–12:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on June 13, 2019 (84 FR 27662). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff and the Designated Federal Official (DFO) (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

An electronic copy of each presentation should be emailed to the Cognizant ACRS Staff at least one day before meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System component of NRC's document system (ADAMS) which is accessible from the NRC website at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/#ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Thomas Dashiell, ACRS Audio Visual Technician (301–415–7907), between 7:30 a.m. and 3:45 p.m. (Eastern Time), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

This notice is late due to the COVID–19 outbreak and current health precautions which required the Committee to prepare for the meeting to be held remotely.

Dated: March 25, 2020.

Russell E. Chazell,

Federal Advisory Committee Management Officer, Office of the Secretary.

[FR Doc. 2020–06563 Filed 3–27–20; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of March 30, April 6, 13, 20, 27, May 4, 2020.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

Week of March 30, 2020

There are no meetings scheduled for the week of March 30, 2020.

Week of April 6, 2020—Tentative

There are no meetings scheduled for the week of April 6, 2020.

Week of April 13, 2020—Tentative

There are no meetings scheduled for the week of April 13, 2020.

Week of April 20, 2020—Tentative

There are no meetings scheduled for the week of April 20, 2020.

Week of April 27, 2020—Tentative

There are no meetings scheduled for the week of April 27, 2020.

Week of May 4, 2020—Tentative

There are no meetings scheduled for the week of May 4, 2020.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–

415–1969), or by email at *Tyesha.Bush@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated at Rockville, Maryland, this 26th day of March 2020.

For the Nuclear Regulatory Commission.

Denise L. McGovern

Policy Coordinator, Office of the Secretary.

[FR Doc. 2020–06704 Filed 3–26–20; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2020–105 and CP2020–111]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 1, 2020.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2020–105 and CP2020–111; *Filing Title:* USPS Request to Add Priority Mail Contract 597 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* March 24, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3020.30 *et seq.,* and 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* April 1, 2020.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2020–06571 Filed 3–27–20; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Sunshine Act Meeting; Board of Governors

TIME AND DATE: March 24, 2020 and daily until April 23, 2020 at 10:00 a.m.

PLACE: Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Matters.
2. Strategic Matters.

General Counsel Certification: The General Counsel of the United States Postal Service has certified that such meetings 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. 2020–06632 Filed 3–26–20; 11:15 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–664, OMB Control No. 3235–0740]

Proposed Collection; Comment Request

Upon Written Request Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Joint Standards for Assessing Diversity Policies and Practices

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

In accordance with the requirements of Section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (12 U.S.C. 5452), the Commission joined with the Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, and Bureau of Consumer Financial Protection (Agencies) to develop Joint Standards for Assessing the Diversity Policies and Practices of Entities Regulated by the Agencies (Joint Standards), which were issued through an interagency policy statement published in the **Federal Register** on June 15, 2015. To facilitate the collection of information envisioned by the Joint Standards, the Commission developed a form entitled the ''Diversity Assessment Report for Entities

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

Regulated by the SEC'' (Diversity Assessment Report).

The Diversity Assessment Report (1) asks for general information about the respondent; (2) includes a checklist and questions relating to the policies and practices set forth in the Joint Standards; (3) requests data related to workforce diversity and supplier diversity; and (4) provides respondents with the opportunity to describe their successful policies and practices for promoting diversity and inclusion.

The information collection is voluntary. The Commission may use information submitted to monitor progress and trends in the financial services industry regarding diversity and inclusion and to identify and highlight diversity and inclusion policies and practices that have been successful. In addition, the Commission may publish information submitted, such as leading practices, in a form that does not identify a particular entity or disclose confidential business information. Further, the Commission may share information with other Agencies, when appropriate, to support coordination of efforts and to avoid duplication.

Title of Collection: Joint Standards for Assessing Diversity Policies and Practices.[1]

Type of Review: Extension of currently approved collection.

Frequency of Response: Biennially.

Estimated Number of Respondents: 260.

Estimated Burden Hours per Respondent: 10 hours; 5 hours annualized.

Estimated Total Annual Burden Hours: 2,600; 1,300 annualized.

Since the last approval of this information collection, we have adjusted the estimated number of respondents from 1,500 to 260 respondents, based on the actual response rate to the requests for Diversity Assessment Reports made two years ago and the anticipated increase in that response rate as a result of ongoing outreach to regulated entities to encourage them to submit Diversity Assessment Reports. This reduction in the number of respondents has resulted in a 6,200-hour reduction in the estimated total burden hours (annualized).

Request for Comments: The comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Written comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number. Please direct your written comments to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington DC, 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: March 25, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–06570 Filed 3–27–20; 8:45 am]

BILLING CODE 8011–01–P

[1] The title of the currently approved collection—Joint Standards for Assessing the Diversity Policies and Practices of Entities Regulated by the Agencies—has been shortened.

SECURITIES AND EXCHANGE COMMISSION

[Release No. IA–5469/March 25, 2020]

Order Under Section 206a of the Investment Advisers Act of 1940 Granting Exemptions From Specified Provisions of the Investment Advisers Act and Certain Rules Thereunder

On March 13, 2020, in response to the potential effects of coronavirus disease 2019 (COVID–19), the Securities and Exchange Commission (the ''Commission'') issued an order [1] (the ''Original Order'') pursuant to its authority under Section 206A of the Investment Advisers Act of 1940 (the ''Advisers Act'' or ''Act'') granting exemptions from certain provisions of that Act and the rules thereunder. The Commission has been monitoring the effects of COVID–19 and is now extending the exemptions with certain modifications in light of its current understanding of the circumstances. The health and safety of all participants in the securities markets is of paramount importance, and the Commission recognizes that investment advisers and other market participants continue to face challenges in meeting the requirements of the federal securities laws addressed in the Original Order in a timely manner. For this reason and the reasons stated in the Original Order, the Commission finds that extending the exemptions, pursuant to its authority under Section 206A of the Advisers Act, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Advisers Act, and necessary and appropriate to the exercise of the powers conferred on it by the Advisers Act. The necessity for prompt action of the Commission does not permit prior notice of the Commission's action. This Order supersedes the Original Order.

[1] Investment Advisers Act Release No. 5463 (Mar. 13, 2020), available at *https://www.sec.gov/rules/other/2020/ia-5463.pdf.*

I. Time Period for the Relief

The relief specified in this Order is limited to filing or delivery obligations, as applicable, for which the original due date is on or after the date of the Original Order but on or prior to June 30, 2020. The Commission intends to continue to monitor the current situation. The time period for any or all of the relief may, if necessary, be extended with any additional conditions that are deemed appropriate, and the Commission may issue other relief as necessary or appropriate.

II. Form ADV and Form PF Filing Requirements for Registered Investment Advisers and Exempt Reporting Advisers

As we observed in the Original Order, disruptions resulting from COVID–19 could hamper the efforts of investment advisers to timely meet certain filing and delivery deadlines. At the same time, advisory clients and the Commission have an interest in the timely availability of required information about investment advisers, and we remind investment advisers who rely on this Order to continue to evaluate their obligations, including their fiduciary duty, under the federal securities laws. In light of our current understanding of the nationwide scope of COVID–19's disruptions to businesses and everyday activities, and the uncertainty as to the duration of these disruptions, we are removing the Original Order's conditions that an investment adviser that intends to rely upon the relief must (i) include, in its email correspondence to Commission staff and on its website, as applicable,

why it is unable to meet a filing deadline or delivery requirement and (ii) provide an estimated date of filing or delivery completion.

It is ordered, pursuant to Section 206A of the Advisers Act:

For the time period specified in Section I, a registered investment adviser is exempt from the requirements: (a) Under Rule 204–1 under the Advisers Act to file an amendment to Form ADV; and (b) under Rule 204–3(b)(2) and (b)(4) related to the delivery of Form ADV Part 2 (or a summary of material changes) to existing clients, where the conditions below are satisfied;

For the time period specified in Section I, an exempt reporting adviser is exempt from the requirements under Rule 204–4 under the Advisers Act to file reports on Form ADV, where the conditions below are satisfied; and

For the time period specified in Section I, a registered investment adviser that is required by Section 204(b) of and Rule 204(b)–1 under the Advisers Act to file Form PF is exempt from those requirements, where the conditions below are satisfied.

Conditions

(a) The registered investment adviser or exempt reporting adviser is unable to meet a filing deadline or delivery requirement due to circumstances related to current or potential effects of COVID–19;

(b) The investment adviser relying on this Order with respect to the filing of Form ADV or delivery of its brochure, summary of material changes, or brochure supplement required by Rule 204–3(b)(2) or (b)(4), promptly notifies the Commission staff via email at *IARDLive@sec.gov* and discloses on its public website (or if it does not have a public website, promptly notifies its clients and/or private fund investors) that it is relying on this Order.

(c) Any investment adviser relying on this order with respect to filing Form PF required by Rule 204(b)–1 must promptly notify the Commission staff via email at *FormPF@sec.gov* stating that it is relying on this Order.

(d) The investment adviser files the Form ADV or Form PF, as applicable, and delivers the brochure (or summary of material changes) and brochure supplement required by Rule 204–3(b)(2) and (b)(4) under the Advisers Act, as soon as practicable, but not later than 45 days after the original due date for filing or delivery, as applicable.

By the Commission.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–06519 Filed 3–27–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88465/March 25, 2020]

Order Under Section 36 of the Securities Exchange Act of 1934 Modifying Exemptions From the Reporting and Proxy Delivery Requirements for Public Companies

On March 4, 2020, in response to the potential effects of coronavirus disease 2019 (COVID–19), the Securities and Exchange Commission (the ''Commission'') issued an order [1] (the ''Original Order'') pursuant to its authority under Section 36 of the Securities Exchange Act of 1934 (the ''Exchange Act'') granting exemptions from certain provisions of that Act and the rules thereunder related to the reporting and proxy delivery requirements for certain public companies, subject to certain conditions. The Commission has been monitoring the effects of COVID–19 and is now modifying the exemptions in light of its current understanding of the circumstances. The health and safety of all participants in the securities markets is of paramount importance, and the Commission recognizes that public companies and other market participants continue to face challenges in meeting the reporting and proxy delivery requirements of the federal securities laws in a timely manner. For this reason and the reasons stated in the Original Order, the Commission finds that modifying the exemptions to cover filings due on or before July 1, 2020, pursuant to its authority under Section 36 the Exchange Act, is appropriate in the public interest and consistent with the protection of investors. This Order supersedes the Original Order.

Any registrant or other person in need of additional assistance related to deadlines, delivery obligations or their public filings, should contact the Division of Corporation Finance at (202) 551–3500 or at *https://www.sec.gov/forms/corp_fin_interpretive.*

I. Time Period for the Relief

- The time period for the relief specified in Section II with respect to those registrants or other persons impacted by COVID–19 is March 1, 2020 to July 1, 2020.
- The Commission intends to monitor the current situation and may, if necessary, extend the time period during which this relief applies, with any additional conditions the Commission deems appropriate and/or issue other relief.

II. Filing Requirements for Registrants and Other Persons

The Commission believes that the relief from filing requirements provided by the exemption below is necessary and appropriate in the public interest and consistent with the protection of investors. We remind public companies and other persons who are the subjects of this Order to continue to evaluate their obligations to make materially accurate and complete disclosures in accordance with the federal securities laws.

Accordingly, *it is ordered,* pursuant to Section 36 of the Exchange Act, that a registrant (as defined in Exchange Act Rule 12b–2) subject to the reporting requirements of Exchange Act Section 13(a) or 15(d), and any person required to make any filings with respect to such a registrant, is exempt from any requirement to file or furnish materials and any amendment thereto with the Commission under Exchange Act Sections 13(a), 13(f), 13(g), 14(a), 14(c), 14(f), 15(d) and Regulations 13A, 13D–G (except for those provisions mandating the filing of Schedule 13D or amendments to Schedule 13D), 14A, 14C and 15D, and Exchange Act Rules 13f–1, and 14f–1, as applicable, where the conditions below are satisfied.

Conditions

(a) The registrant or any person required to make any filings with respect to such a registrant is unable to meet a filing deadline due to circumstances related to COVID–19;

(b) Any registrant relying on this Order furnishes to the Commission a Form 8–K or, if eligible, a Form 6–K [2] by the later of March 16 or the original filing deadline of the report [3] stating: [4]

(1) That it is relying on this Order;

[1] Release No. 34–88318 (March 4, 2020), available at *https://www.sec.gov/rules/other/2020/34-88318.pdf.*

[2] The registrant must furnish a Form 8–K or Form 6–K for each filing that is delayed.

[3] Any registrant relying on this Order would not need to file a Form 12b–25 so long as the report, schedule, or form is filed within the time period prescribed by this Order.

[4] The Commission believes such statements, as furnished, to the extent they contain ''forward-looking statements,'' and otherwise meet the conditions of Exchange Act Section 21E, would be subject to the safe harbor contained therein. *See* the Private Securities Litigation Reform Act of 1995, 15 U.S.C. 77z–1 (1998).

(2) a brief description of the reasons why it could not file such report, schedule or form on a timely basis;

(3) the estimated date by which the report, schedule, or form is expected to be filed;

(4) a company specific risk factor or factors explaining the impact, if material, of COVID–19 on its business; and

(5) if the reason the subject report cannot be filed timely relates to the inability of any person, other than the registrant, to furnish any required opinion, report or certification, the Form 8–K or Form 6–K shall have attached as an exhibit a statement signed by such person stating the specific reasons why such person is unable to furnish the required opinion, report or certification on or before the date such report must be filed.

(c) The registrant or any person required to make any filings with respect to such a registrant files with the Commission any report, schedule, or form required to be filed no later than 45 days after the original due date; and

(d) In any report, schedule or form filed by the applicable deadline pursuant to paragraph (c) above, the registrant or any person required to make any filings with respect to such a registrant must disclose that it is relying on this Order and state the reasons why it could not file such report, schedule or form on a timely basis.

III. Furnishing of Proxy and Information Statements

We also believe that relief is warranted for those seeking to comply with the requirements of Exchange Act Sections 14(a) and (c) and Regulations 14A and 14C and Exchange Act Rule 14f–1 thereunder to furnish materials to security holders when mail delivery is not possible, and that the following exemption is necessary and appropriate in the public interest and consistent with the protection of investors.

Accordingly, *it is ordered,* pursuant to Section 36 of the Exchange Act, that a registrant or any other person is exempt from the requirements of the Exchange Act and the rules thereunder to furnish proxy statements, annual reports, and other soliciting materials, as applicable (the ''Soliciting Materials''), and the requirements of the Exchange Act and the rules thereunder to furnish information statements and annual reports, as applicable (the ''Information Materials''), where the conditions below are satisfied.

Conditions

(a)(1) The registrant's security holder has a mailing address located in an area where, as a result of COVID–19, the common carrier has suspended delivery service of the type or class customarily used by the registrant or other person making the solicitation; and

(b) The registrant or other person making a solicitation has made a good faith effort to furnish the Soliciting Materials to the security holder, as required by the rules applicable to the particular method of delivering Soliciting Materials to the security holder, or, in the case of Information Materials, the registrant has made a good faith effort to furnish the Information Materials to the security holder in accordance with the rules applicable to Information Materials.

By the Commission.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–06517 Filed 3–27–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–33824/March 25, 2020]

Order Under Section 6(C) and Section 38(A) of the Investment Company Act of 1940 Granting Exemptions From Specified Provisions of the Investment Company Act and Certain Rules Thereunder; Commission Statement Regarding Prospectus Delivery

On March 13, 2020, in response to the potential effects of coronavirus disease 2019 (COVID–19), the Securities and Exchange Commission (the ''Commission'') issued an order [1] (the ''Original Order'') pursuant to its authority under Sections 6(c) and 38(a) of the Investment Company Act of 1940 (the ''Investment Company Act'' or ''Act'') granting exemptions from certain provisions of that Act and the rules thereunder. The Commission has been monitoring the effects of COVID–19 and is now extending the exemptions with certain modifications in light of its current understanding of the circumstances. The health and safety of all participants in the securities markets is of paramount importance, and the Commission recognizes that investment companies and other market participants continue to face challenges in meeting the requirements of the federal securities laws addressed in the Original Order in a timely manner. For this reason and the reasons stated in the Original Order, the Commission finds that extending the exemptions, pursuant to its authority under Sections 6(c) and 38(a) of the Investment Company Act, is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Investment Company Act, and necessary and appropriate to the exercise of the powers conferred on it by the Investment Company Act. The necessity for prompt action of the Commission does not permit prior notice of the Commission's action. This Order supersedes the Original Order.

As explained in the Original Order, the Commission has heard from industry representatives that COVID–19 is presenting challenges for boards of directors of registered management investment companies and business development companies (''BDCs'') to travel in order to meet the in-person voting requirements under the Investment Company Act and rules thereunder. In addition, we recognize that registered management investment companies and unit investment trusts (together, ''registered funds'') may face challenges if, as a result of COVID–19, personnel of registered fund managers or other third-party service providers that are necessary to prepare these reports become unavailable, or only available on a limited basis, in: (i) Preparing or transmitting annual and semi-annual shareholder reports; and/or (ii) timely filing Forms N–CEN and N–PORT. We also understand that due to recent market movements certain registered closed-end funds (''closed-end funds'') and BDCs may seek to call or redeem securities and may face challenges in providing the advance notice required under Rule 23c–2. Finally, we appreciate that there may be difficulties in the timely delivery of registered fund prospectuses. In light of the current situation, we are issuing this Order, which provides the same exemptions from requirements of the Investment Company Act and reiterates our statement regarding prospectus delivery obligations of registered funds but extends the period for which this position is available and updates the associated notice requirements.

I. Time Period for the Exemptive Relief

The time period for the relief specified in this Order is as follows:

- For the relief in Sections II and V of this Order, the relief is limited to the period from (and including) the date of the Original Order to (and including) August 15, 2020.
- For the relief in Sections III and IV of this Order, the relief is limited to filing or transmittal obligations, as applicable, for which the original due

[1] Investment Company Act Release No. 33817 (Mar. 13, 2020), available at *https://www.sec.gov/rules/other/2020/ic-33817.pdf.*

date is on or after the date of the Original Order but on or prior to June 30, 2020.

The Commission intends to continue to monitor the current situation. The time period for any or all of the relief may, if necessary, be extended with any additional conditions that are deemed appropriate, and the Commission may issue other relief as necessary or appropriate.

II. In-Person Board Meeting Requirements for Registered Management Investment Companies and BDCs

It is ordered, pursuant to Sections 6(c) and 38(a) of the Act:

That for the period specified in Section I, a registered management investment company or BDC and any investment adviser of or principal underwriter for such registered management investment company or BDC is exempt from the requirements imposed under sections 15(c) and 32(a) of the Investment Company Act and Rules 12b–1(b)(2) and 15a–4(b)(2)(ii) under the Investment Company Act that votes of the board of directors of either the registered management investment company or BDC be cast in person, provided that:

(i) Reliance on this Order is necessary or appropriate due to circumstances related to current or potential effects of COVID–19;

(ii) the votes required to be cast at an in-person meeting are instead cast at a meeting in which directors may participate by any means of communication that allows all directors participating to hear each other simultaneously during the meeting; and

(iii) the board of directors, including a majority of the directors who are not interested persons of the registered management investment company or BDC, ratifies the action taken pursuant to this exemption by vote cast at the next in-person meeting.

III. Forms N–CEN and N–Port Filing Requirements

In light of our current understanding of the nationwide scope of COVID–19's disruptions to businesses and everyday activities, and the uncertainty as to the duration of these disruptions, we are removing the Original Order's conditions that a registered fund that intends to rely upon the relief must (i) include, in its email correspondence to Commission staff and on its website, a brief description of the reasons why it is unable to file Form N–CEN or Form N–PORT and (ii) provide Commission staff with an estimated date by which it expects to file such report.

Accordingly, *it is ordered,* pursuant to Section 6(c) and 38(a) of the Investment Company Act:

That for the period specified in Section I, a registered fund that is required to file Form N–CEN pursuant to Rule 30a–1 under the Investment Company Act, or Form N–PORT pursuant to Rule 30b1–9 under the Investment Company Act, is temporarily exempt from such form filing requirements where the conditions below are satisfied.

Conditions

(a) The registered fund is unable to meet a filing deadline due to circumstances related to current or potential effects of COVID–19;

(b) Any registered fund relying on this Order promptly notifies the Commission staff via email at *IM-EmergencyRelief@sec.gov* stating that it is relying on this Order;

(c) Any registered fund relying on this Order includes a statement on the applicable registered fund's public website briefly stating that it is relying on this Order;

(d) The registered fund required to file such Form N–CEN or Form N–PORT files such report as soon as practicable, but not later than 45 days after the original due date; and

(e) Any Form N–CEN or Form N–PORT filed pursuant to this Order must include a statement of the filer that it relied on this Order and the reasons why it was unable to file such report on a timely basis.

IV. Transmittal of Annual and Semi-Annual Reports to Investors Required by the Investment Company Act and the Rules Thereunder

In light of our current understanding of the nationwide scope of COVID–19's disruptions to businesses and everyday activities, and the uncertainty as to the duration of these disruptions, we are removing the Original Order's conditions that a registered fund that intends to rely upon the relief must (i) include, in its email correspondence to Commission staff and on its website, a brief description of the reasons why it is unable to file its report on a timely basis, and (ii) provide the Commission staff with an estimated date by which it expects to file such report.

Accordingly, *it is ordered,* pursuant to Sections 6(c) and 38(a) of the Investment Company Act:

That for the period specified in Section I, a registered management investment company is temporarily exempt from the requirements of Section 30(e) of the Investment Company Act and Rule 30e–1 thereunder to transmit annual and semi-annual reports to investors where the conditions below are satisfied; and

For the period specified in Section I, a registered unit investment trust is temporarily exempt from the requirements of Section 30(e) of the Investment Company Act and Rule 30e–2 thereunder to transmit annual and semi-annual reports to unitholders where the conditions below are satisfied.

Conditions

(a) The registered fund is unable to prepare or transmit the report due to circumstances related to current or potential effects of COVID–19;

(b) Any registered fund relying on this Order promptly notifies Commission staff via email at *IM-EmergencyRelief@sec.gov* stating that it is relying on this Order;

(c) Any registered fund relying on this Order includes a statement on the applicable registered fund's public website briefly stating that it is relying on this Order; and

(d) The registered fund transmits the reports to shareholders as soon as practicable, but not later than 45 days after the original due date and files the report within 10 days of its transmission to shareholders.

V. Timing of Filing Form N–23C–2 With the Commission Required by the Investment Company Act and the Rules Thereunder

In light of our current understanding of the nationwide scope of COVID–19's disruptions to businesses and everyday activities, and the uncertainty as to the duration of these disruptions, we are removing the Original Order's conditions that a closed-end fund or BDC that intends to rely upon the relief must include, in its email correspondence to Commission staff, a brief description of the reasons why it needs to file a Notice fewer than 30 days in advance of the date set by the closed-end fund or BDC, as applicable, for calling or redeeming the securities of which it is the issuer.

Accordingly, *it is ordered,* pursuant to Section 6(c) and 38(a) of the Investment Company Act:

That for the period specified in Section I, closed-end funds and BDCs are temporarily exempt from the requirement to file with the Commission notices of their intention to call or redeem securities at least 30 days in advance under Sections 23(c) and 63, as applicable, of the

Investment Company Act and Rule 23c–2 thereunder if such company files a Form N–23C–2 (''Notice'') with the

Commission fewer than 30 days prior to, including the same business day as, the company's call or redemption of securities of which it is the issuer where the conditions below are satisfied:

Conditions

(a) The closed-end fund or BDC (''Company'') relying on this Order:

(1) Promptly notifies Commission staff via email at *IM-EmergencyRelief@sec.gov* stating that it is relying on this Order;

(2) ensures that the filing of the Notice on an abbreviated time frame is permitted under relevant state law and the Company's governing documents; and

(3) files a Notice that contains all the information required by Rule 23c–2 prior to:

a. Any call or redemption of existing securities;

b. the commencement of any offering of replacement securities; and

c. providing notification to the existing shareholders whose securities are being called or redeemed.

VI. Commission Statement Regarding Prospectus Delivery

The Commission takes the position that it would not provide a basis for a Commission enforcement action if a registered fund does not deliver to investors the current prospectus of the registered fund where the prospectus is not able to be timely delivered because of circumstances related to COVID–19 and delivery was due during the limited period specified below, provided that the sale of shares to the investor was not an initial purchase by the investor of shares of the registered fund and:

(1) The registered fund:

(a) Notifies Commission staff via email at *IM-EmergencyRelief@sec.gov* stating that it is relying on this Commission position;

(b) Publishes on its public website that it intends to rely on the Commission position; and

(c) Publishes its current prospectus on its public website; and

(2) Delivery was originally required on or after the date of this Order but on or prior to June 30, 2020, and the prospectus is delivered to investors as soon as practicable, but not later than 45 days after the date originally required.

In light of our current understanding of the nationwide scope of COVID–19's disruptions to businesses and everyday activities, and the uncertainty as to the duration of these disruptions, we are modifying our previous position that a registered fund that intends to rely upon this relief must (i) include, in its email correspondence to Commission staff and on its website, a brief description of the reasons why it or any other person required could not deliver the prospectus to investors on a timely basis, and (ii) provide the Commission staff with an estimated date by which it expects the prospectus to be delivered.

By the Commission.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–06518 Filed 3–27–20; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Wednesday, April 1, 2020.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topic:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

General counsel matter;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: March 25, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–06626 Filed 3–26–20; 11:15 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 11084]

30-Day Notice of Proposed Information Collection: Exchange Programs Alumni website Registration

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to April 29, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Patrick Kelly at the Bureau of Educational and Cultural Affairs; U.S. Department of State; SA–5, Room C2–C20; Washington, DC 20522–0503, who may be reached on 202–632–6186 or at *KellyPW@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Exchange Programs Alumni website Registration.
- *OMB Control Number:* 1405–0192.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Educational and Cultural Affairs, ECA/P/A.

- *Form Number:* DS–7006.
- *Respondents:* Exchange program alumni and current participants of U.S. government-funded and U.S. government-facilitated exchange programs.
- *Estimated Number of Respondents:* 4,000 for full form, and 21,000 for expedited form.
- *Estimated Number of Responses: 25,*000.
- *Average Time per Response:* 10 minutes for response to the full form or 2 minutes for response to the expedited form.
- *Total Estimated Burden Time:* 1,367 hours.
- *Frequency:* One time per respondent.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The International Exchange Alumni website (*alumni.state.gov*) requires information to process users' voluntary request for participation in the International Exchange Alumni network. Other than contact and exchange program information, which is required for website registration, all other information is provided on a voluntary basis. Participants also have the option of restricting access to their information.

- Respondents to this registration form are U.S. government-funded and U.S. government-facilitated exchange program participants and alumni. The Office of Alumni Affairs collects data from users not only to verify their status or participation in a program, but to help alumni network with one another and aid Embassy staff in their alumni outreach. Once a user account is activated, the same information may be used for contests, competitions, and other public diplomacy initiatives in support of Embassy and foreign policy goals.

Methodology

Information provided for registration is collected electronically via the Alumni website, *alumni.state.gov.*

Additional Information

International Exchange Alumni is a secure, encrypted website.

Aleisha Woodward,

Deputy Assistant Secretary for Policy.

[FR Doc. 2020–06562 Filed 3–27–20; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final. The actions relate to a proposed highway project on Interstate 5 (Post Miles 21.3 to PM 30.3) in the Cities of Irvine and Tustin in Orange County, California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before August 27, 2020. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Brian Liu, Caltrans Division of Environmental Analysis, Specialist Branch, Caltrans District 12, 1750 East 4th Street, Suite 100, Santa Ana, CA 92705; (657) 328–6135 *Brian.Liu@dot.ca.gov.* For FHWA, contact David Tedrick at (916) 498–5024 or email *david.tedrick@dot.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The Interstate 5 (I–5) Improvement Project from Interstate 405 (I–405) to State Route 55 (SR–55) proposes to widen Interstate 5 (I 5) between Interstate 405 (I–405) and State Route 55 (SR–55). The project limits on I 5 extend from approximately 0.4 mile (mi) north of the I–5/I–405 interchange (Post Mile [PM] 21.3) to 0.2 mi south of SR–55 (PM 30.3). Caltrans has identified Alternative 2 with Design Variation B (Alternative 2B) as the Preferred Alternative. The actions taken by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment/Finding of No Significant Impact (EA/FONSI) for the project, approved on January 7, 2020, and in other documents in the Caltrans' project records. The EA/FONSI and other project records are available by contacting Caltrans at the addresses provided above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4351)
2. Clean Air Act (42 U.S.C. 7401–7671 (q))
3. Migratory Bird Treaty Act (16 U.S.C. 703–712)
4. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470(f) *et seq.*)
5. Clean Water Act (Section 401) (33 U.S.C. 1251–1377)
6. Federal Endangered Species Act of 1973 (16 U.S.C. 1531–1543)
7. Executive Order 11990—Protection of Wetlands
8. Department of Transportation Act of 1966, Section 4(f) (49 U.S.C. 303)
9. Executive Order 13112—Invasive Species

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Tashia J. Clemons,

Director, Planning and Environment, Federal Highway Administration, California Division.

[FR Doc. 2020–06538 Filed 3–27–20; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2019–0098]

Hazardous Materials: Lithium Battery Air Safety Advisory Committee; Notice of Public Meeting

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation (DOT).

ACTION: Notice of public meeting.

SUMMARY: This notice announces a meeting of the Lithium Battery Safety Advisory Committee.

DATES: The meeting will be held on September 16–17, 2020, from 9:00 a.m.–5:00 p.m. Eastern Standard Time. Requests to attend the meeting must be received by September 2, 2020. Requests for accommodations for a disability must be received by September 2, 2020. Persons requesting to speak during the meeting must submit a written copy of their remarks to DOT by September 2, 2020. Requests to submit written materials to be reviewed during the meeting must be received no later than September 2, 2020.

ADDRESSES: The meeting will be held at DOT Headquarters, West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. The meeting will also be webcast. Information for accessing the webcast will be posted on the Lithium Battery Safety Advisory Committee website, which is located at: *https://www.phmsa.dot.gov/hazmat/rulemakings/lithium-battery-safety-advisory-committee.* The E-Gov website is located at *https://www.regulations.gov.* Mailed written comments intended for the committee should be sent to Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590–0001. Hand delivered written comments should be delivered to the DOT dockets facility located in room W12–140 on the ground level of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Steven Webb or Aaron Wiener, PHMSA, U.S. Department of Transportation. Telephone: (202) 366–8553. Fax: (202) 366–3753. Email: *lithiumbatteryFACA@dot.gov.* Any committee related request should be sent to the people listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The Lithium Battery Safety Advisory Committee was created under the Federal Advisory Committee Act (FACA, Pub. L. 92–463), in accordance with Section 333(d) of the FAA Reauthorization Act of 2018 (Pub. L. 115–254).

II. Agenda

At the meeting, the agenda will cover the following topics as specifically outlined in section 333(d) of Public Law 115–254:

(a) Facilitate communication amongst manufactures of lithium batteries and products containing lithium batteries, air carriers, and the Federal government.

(b) Discuss the effectiveness, and the economic and social impacts of lithium battery transportation regulations.

(c) Provide the Secretary with information regarding new technologies and transportation safety practices.

(d) Provide a forum to discuss Departmental activities related to lithium battery transportation safety.

(e) Advise and recommend activities to improve the global enforcement of air transportation of lithium batteries, and the effectiveness of those regulations.

(f) Provide a forum for feedback on potential U.S. positions to be taken at international forums.

(g) Guide activities to increase awareness of relevant requirements.

(h) Review methods to decrease the risk posed by undeclared hazardous materials.

A final agenda will be posted on the Lithium Battery Safety Advisory Committee website 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. Members of the public who wish to attend in person must RSVP to the person listed in the **FOR FURTHER INFORMATION CONTACT** section with your name and affiliation. DOT 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 no later than September 2, 2020.

There will be 5 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, PHMSA 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 Lithium Battery Safety Advisory Committee 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.

Copies of the meeting minutes, and committee presentations will be available on the Lithium Battery Safety Advisory Committee website. Presentations will also be posted on the E-Gov website in Docket No. PHMSA–2019–0098, within 30 days following the meeting.

Written Comments: Persons who wish to submit written comments on the meetings may submit them to Docket No. PHMSA–2019–0098 in the following ways:

1. E-Gov Website: This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

2. Fax.

3. Mail.

4. Hand Delivery: Delivery accepted between 9:00 a.m. and 5:00 p.m., Monday through Friday, except on Federal holidays.

Instructions: Identify the docket number [PHMSA–2019–0098] at the beginning of your comments. Note that all comments received will be posted without change to the *https://www.regulations.gov* website, including any personal information provided. Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Therefore, consider reviewing DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, (65 FR 19477), or view the Privacy Notice on the E-Gov website before submitting comments.

Docket: For docket access or to read background documents or comments, go to the E-Gov website at any time or visit the DOT dockets facility listed in the **ADDRESSES** category, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on [PHMSA–2019–0098].'' The docket clerk will date stamp the postcard prior to returning it to you via the U.S. mail.

Privacy Act Statement

DOT may solicit comments from the public regarding certain general notices. DOT posts these comments, without edit, including any personal information the commenter provides, to the E-Gov website, as described in the system of records notice (DOT/ALL–14 FDMS).

Signed in Washington, DC, on March 24, 2020.

William S. Schoonover,

Associate Administrator Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2020–06492 Filed 3–27–20; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2020–0007]

Mutual Savings Association Advisory Committee

AGENCY: Office of the Comptroller of the Currency (OCC), Department of the Treasury.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The OCC announces a meeting of the Mutual Savings Association Advisory Committee (MSAAC).

DATES: A public meeting of the MSAAC will be held on Tuesday, April 21, 2020 via teleconference, beginning at 10:00 a.m. Eastern Daylight Time (EDT).

ADDRESSES: The OCC will hold the April 21, 2020 meeting of the MSAAC via teleconference.

FOR FURTHER INFORMATION CONTACT: Michael R. Brickman, Deputy Comptroller for Thrift Supervision, (202) 649–5420, Office of the Comptroller of the Currency, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: By this notice, the OCC is announcing that the MSAAC will convene a meeting on Tuesday, April 21, 2020 via teleconference. The teleconference is open to the public and will begin at 10:00 a.m. EDT. The purpose of the meeting is for the MSAAC to advise the OCC on regulatory or other changes the OCC may make to ensure the health and viability of mutual savings associations. The agenda includes a discussion of current topics of interest to the industry.

Members of the public may submit written statements to the MSAAC. The OCC must receive written statements no later than 5:00 p.m. EDT on Tuesday, April 14, 2020. Members of the public may submit written statements to *MSAAC@occ.treas.gov.*

Members of the public who plan to attend the meeting via teleconference should contact the OCC by 5:00 p.m. EDT on Tuesday, April 14, 2020, to inform the OCC of their desire to attend the meeting and to obtain information about participating in the teleconference. Members of the public may contact the OCC via email at *MSAAC@OCC.treas.gov* or by telephone at (202) 649–5420. Members of the public who are hearing impaired should call (202) 649–5597 (TTY) by 5:00 p.m. EDT on Tuesday, April 14, 2020, to arrange auxiliary aids for this meeting.

Attendees should provide their full name, email address, and organization, if any.

Morris R. Morgan,

First Deputy Comptroller, Comptroller of the Currency.

[FR Doc. 2020–06481 Filed 3–27–20; 8:45 am]

BILLING CODE 4810–33–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.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. Due to the current health issue the nation is facing, we may not be able to meet the 15-calendar notice threshold. This meeting will still be held via teleconference

DATES: The meeting will be held Tuesday, April 14, 2020.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Project Committee will be held Tuesday, April 14, 2020, from 1:00 p.m. until 2:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612–5217 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: March 25, 2020.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2020–06529 Filed 3–27–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request Concerning Rescission Request Procedures

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning rescission request procedures.

DATES: Written comments should be received on or before May 29, 2020 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6529, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529,

1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Revenue Procedure Regarding 6707/6707A Rescission Request Procedures.

OMB Number: 1545–2047.

Revenue Procedure Number: 2007–21.

Abstract: This revenue procedure provides guidance to persons who are assessed a penalty under section 6707A or 6707 of the Internal Revenue Code, and who may request rescission of those penalties from the Commissioner.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit.

Estimated Number of Respondents: 859.

Estimated Time per Respondent: 4.5 hours.

Estimated Total Annual Burden Hours: 3,866 hours.

The following paragraph applies to all the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 24, 2020.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2020–06544 Filed 3–27–20; 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.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. Due to the current health issue the nation is facing, we will not be able to meet the 15-calendar notice threshold. This meeting will still be held via teleconference.

DATES: The meeting will be held Wednesday, April 8, 2020.

FOR FURTHER INFORMATION CONTACT: Fred Smith at 1–888–912–1227 or (202) 317–3087.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be held Wednesday, April 8, 2020, from 12:00 p.m. to 1:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Fred Smith. For more information please contact Fred Smith at 1–888–912–1227 or (202) 317–3087, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.*

Dated: March 25, 2020.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2020–06530 Filed 3–27–20; 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.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Special Projects Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. Due to the current health issue the nation is facing, we will not be able to meet the 15-calendar notice threshold. This meeting will still be held via teleconference.

DATES: The meeting will be held Thursday, April 9, 2020.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or 202–317–4110.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Thursday, April 9, 2020, from 11:00 a.m. to 12:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Antoinette Ross. For more information please contact Antoinette Ross at 1–888–912–1227 or 202–317–4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: March 25, 2020.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2020–06528 Filed 3–27–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Marks on Equipment and Structures and Marks and Labels on Containers of Beer

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before April 29, 2020 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Alcohol and Tobacco Tax and Trade Bureau (TTB)

Title: Marks on Equipment and Structures (TTB REC 5130/3), and Marks and Labels on Containers of Beer (TTB REC 5130/4).

OMB Control Number: 1513–0086.

Type of Review: Extension without change of a currently approved collection.

Description: Under the authority of chapter 51 of the Internal Revenue Code of 1986, as amended (IRC, 26 U.S.C. chapter 51), the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations in 27 CFR part 25, Beer, require brewers to place certain marks, signs, and measuring devices on their equipment and structures, and to place certain brands, labels, and marks on bulk and consumer containers of beer and other brewery products. The required information allows TTB to identify the use, capacity, and contents of brewery equipment and structures, as well as identify taxable brewery products and the responsible taxpayer. As such, the required information is necessary to protect the revenue and ensure effective administration of the IRC's provisions regarding brewery operations and products. The required information also allows other industry member and the general public to identify the contents of bulk and consumer containers of beer and other brewery products. However, for the purposes of inventory control, cost accounting, equipment utilization, and product identification, TTB believes the placement by brewers of the required information on their equipment and structures, and on their bulk and consumers containers of beer and other brewery products is a usual and customary practice under taken during the normal course of business, regardless of any TTB regulatory requirements to do so.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 10,000.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 10,000.

Estimated Time per Response: None. There is no annual burden associated with the usual and customary placement by brewers of marks and labels on brewery structures, equipment, and product containers during the normal course of business.

Estimated Total Annual Burden Hours: Zero.

Authority: 44 U.S.C. 3501 et seq.

Dated: March 24, 2020.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2020–06479 Filed 3–27–20; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Internal Revenue Service Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before April 29, 2020 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

1. Title: Wage and Tax Statements W–2/W–3 Series.

OMB Control Number: 1545–0008.

Type of Review: Extension without change of a currently approved collection.

Description: Section 6051 of the Internal Revenue Code requires employers to furnish income and withholding statements to employees and to the IRS. Employers report income and withholding information on Form W–2. Forms W–2AS, W–2GU, and W–2VI are variations of the W–2 for use in U.S. possessions. The W–3 series forms transmit W–2 series forms to SSA for processing. The W–2C and W–3C series are used to correct previously filed forms.

Form: W–2, W–2C, W–2AS, W–2GU, W–2VI, W–3, W–3C, W–3CPR, W–3PR, W–3SS.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 254,230,608.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 254,230,608.

Estimated Time per Response: Varies by form from 24–54 minutes.

Estimated Total Annual Burden Hours: 126,988,903.

2. Title: Application to Adopt, Change, or Retain a Tax Year (Form 1128).

OMB Control Number: 1545–0134.

Type of Review: Extension without change of a currently approved collection.

Description: Form 1128 is needed in order to process taxpayers' request to change their tax year. All information requested is used to determine whether the application should be approved.

Form: 1128.

Affected Public: Estates, tax-exempt organizations, and cooperatives.

Estimated Number of Respondents: 9,788.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 9,788.

Estimated Time per Response: 23 hours 43 minutes.

Estimated Total Annual Burden Hours: 232,066.

3. Title: Application for Extension of Time to File a Return and/or Pay U.S. Estate (and Generation-Skipping Transfer) Taxes.

OMB Control Number: 1545–0181.

Type of Review: Revision of a currently approved collection.

Description: Form 4768 is used by estates to request an extension of time to file an estate (and Generation-Skipping Transfer) tax return and/or to pay the estate (and GST) taxes and to explain why the extension should be granted. IRS uses the information to decide whether the extension should be granted.

Form: 4768.

Affected Public: Estates.

Estimated Number of Respondents: 18,500.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 18,500.

Estimated Time per Response: 1 hour 10 minutes.

Estimated Total Annual Burden Hours: 27,565.

4. Title: Information Returns with respect to Energy Grants and Financing.

OMB Control Number: 1545–0232.

Type of Review: Extension without change of a currently approved collection.

Description: Section 6050D of the Internal Revenue Code requires an information return to be made by any person who administers a Federal, state, or local program providing nontaxable grants or subsidized energy financing. Form 6497 is used for making the information return. The IRS uses the information from the form to ensure that recipients have not claimed tax credits or other benefits with respect to the grants or subsidized financing.

Form: 6497.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 250.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 250.

Estimated Time per Response: 1 hour 15 minutes.

Estimated Total Annual Burden Hours: 810.

5. Title: Gas Guzzler Tax.

OMB Control Number: 1545–0242.

Type of Review: Extension without change of a currently approved collection.

Description: Form 6197 is used to compute the gas guzzler tax on automobiles whose fuel economy does not meet certain standard for fuel economy. The tax is reported quarterly of Form 720. Form 6197 is filed each quarter with Form 720 for manufacturers. Individuals can make a one-time filing if they import a gas guzzler auto for personal use. The IRS uses the information to verify computation of the tax and compliance with the law.

Form: 6197.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 605.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 605.

Estimated Time per Response: 7 hours 42 minutes.

Estimated Total Annual Burden Hours: 4,659.

6. Title: Return for Nuclear Decommissioning Funds and Certain Related Persons.

OMB Control Number: 1545–0954.

Type of Review: Extension without change of a currently approved collection.

Description: A nuclear utility files Form 1120–ND to report the income and taxes of a fund set up by the public utility to provide cash for the dismantling of the nuclear power plant. The IRS uses Form 1120–ND to determine if the fund income taxes are correctly computed and if a person related to the fund or the nuclear utility must pay taxes on self-dealing.

Form: 1120–ND.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 100.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 100.

Estimated Time per Response: 32 hours 35 minutes.

Estimated Total Annual Burden Hours: 3,259.

7. Title: Return of Excise Tax on Undistributed Income of Real Estate Investment Trusts.

OMB Control Number: 1545–1013.

Type of Review: Extension without change of a currently approved collection.

Description: Form 8612 is used by real estate investment trusts to compute and pay the excise tax on undistributed income imposed under section 4981. IRS uses the information to verify that the correct amount of tax has been reported.

Form: 8612.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 20.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 20.

Estimated Time per Response: 9 hours 48 minutes.

Estimated Total Annual Burden Hours: 196.

8. Title: Annual Certification of a Qualified Residential Rental Project.

OMB Control Number: 1545–1038.

Type of Review: Extension without change of a currently approved collection.

Description: Operators of qualified residential projects will use this form to certify annually that their projects meet the requirements of IRC section 142(d). Operators are required to file this certification under section 142(d)(7). Operators must indicate on the form the specific ''set-aside'' test the bond issuer elected under 26 U.S.C. Section 142(d) for the project period. They must also indicate the percentage of low-income units in the residential rental project.

Form: 8703.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 6,000.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 6,000.

Estimated Time per Response: 12 hours 46 minutes.

Estimated Total Annual Burden Hours: 76,620.

9. Title: U.S. Estate Tax Return for Qualified Domestic Trusts.

OMB Control Number: 1545–1212.

Type of Review: Extension without change of a currently approved collection.

Description: Form 706–QDT is used by the trustee or the designated filer to compute and report the Federal estate tax imposed on qualified domestic trusts by C section 2056A. IRS uses the information to enforce this tax and to verify that the tax has been properly computed.

Form: 706–QDT.

Affected Public: Estates.

Estimated Number of Respondents: 80.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 80.

Estimated Time per Response: 4 hours 28 minutes.

Estimated Total Annual Burden Hours: 357.

10. Title: Proceeds of Bonds Used for Reimbursement—FI–59–89 (TD 8394-Final).

OMB Control Number: 1545–1226.

Type of Review: Extension without change of a currently approved collection.

Description: This regulation clarifies when the allocation of bond proceeds to reimburse expenditures previously made by an issuer of the bond is treated as an expenditure of the bond proceeds. The issuer must express a reasonable official intent, on or prior to the date of payment, to reimburse the expenditure in order to assure that the reimbursement is not a device to evade requirements imposed by the Internal Revenue Code with respect to tax exempt bonds.

Form: None.

Affected Public: State, Local and Tribal Governments.

Estimated Number of Respondents: 2,500.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 2,500.

Estimated Time per Response: 2 hours 24 minutes.

Estimated Total Annual Burden Hours: 6,000.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 25, 2020.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2020–06581 Filed 3–27–20; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple Bureau of the Fiscal Service Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before April 29, 2020 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Spencer W. Clark by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Bureau of the Fiscal Service (BFS)

1. Title: Special Bond of Indemnity by Purchaser of United States Savings Bonds/Notes Involved in a Chain Letter Scheme.

OMB Control Number: 1530–0030.

Type of Review: Extension without change of a currently approved collection.

Description: The information is requested to support a request for refund of the purchase price of savings bonds purchased in a chain letter scheme.

Form: FS Form 2966.

Affected Public: Individuals and households.

Estimated Number of Respondents: 240.

Frequency of Response: Once, On Occasion.

Estimated Total Number of Annual Responses: 240.

Estimated Time per Response: 8 minutes.

Estimated Total Annual Burden Hours: 32.

2. Title: Agreement and Request for Disposition of a Decedent's Treasury Securities.

OMB Control Number: 1530–0046.

Type of Review: Extension without change of a currently approved collection.

Description: The information is necessary to distribute Treasury securities and/or payments to the entitled person(s) when the decedent's estate was formally administered through the court and has been closed, or the estate is being settled in accordance with State statute without the necessity of the court appointing a legal representative.

Form: FS Form 5394.

Affected Public: Individuals and households.

Estimated Number of Respondents: 18,500.

Frequency of Response: Once, On Occasion.

Estimated Total Number of Annual Responses: 18,500.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 9,250.

3. Title: Offering of U.S. Mortgage Guaranty Insurance Company Tax and Loss Bonds.

OMB Control Number: 1530–0051.

Type of Review: Extension without change of a currently approved collection.

Description: Chapter 31 of Title 31 of the United States Code authorizes the Secretary of the Treasury to prescribe the terms and conditions, including the form, of United States Treasury bonds, notes and bills. The information collected is essential to establish and maintain Tax and Loss Bond accounts (31 CFR part 343). This regulation governs issues, reissues and redemptions of Tax and Loss bonds. The information requested will be used to issue a Statement of Account to the entity, establish issue and maturity dates for the bonds, and provide electronic payment routing instructions for the proceeds.

Form: None.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 50.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 50.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 13.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 24, 2020.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2020–06497 Filed 3–27–20; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0539]

Agency Information Collection Activity: Application for Supplemental Service Disabled Veterans Insurance

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), 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 29, 2020.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0539'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Danny S. Green, (202) 421–1354 or email *Danny.Green2@va.gov.* Please refer to ''OMB Control No. 2900–0539'' in any correspondence.

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, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Application for Supplemental Service Disabled Veterans Insurance. VA Forms 29–0188 and 29–0189.

OMB Control Number: 2900–0539.

Type of Review: Extension of a currently approved collection.

Abstract: VA Forms 29–0188 and 29–0189 are used by eligible insureds to apply for Supplemental Service Disabled Veterans Insurance. Collection of the requested information is required to implement the provisions of Public Law 102–568 which expanded the insurance coverage available under 38 U.S.C. Section 1922.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,333 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 10,000.

By direction of the Secretary.

Danny S. Green,

VA PRA Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2020–06498 Filed 3–27–20; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 85 Monday,
No. 61 March 30, 2020

Part II

Department of Transportation

National Highway Traffic Safety Administration

49 CFR Part 571
Occupant Protection for Automated Driving Systems; Proposed Rule

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2020–0014]

RIN 2127–AM06

Occupant Protection for Automated Driving Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposal is one of a series of regulatory actions that NHTSA is considering to address the near- and long-term challenges of testing and verifying compliance with the Federal motor vehicle safety standards (FMVSS) for vehicles equipped with Automated Driving Systems (ADS) that lack the traditional manual controls necessary for human drivers, but that are otherwise traditional vehicles with typical seating configurations. This document seeks to clarify the ambiguities in applying current crashworthiness standards to ADS-equipped vehicles without traditional manual controls, while maintaining the regulatory text's application to more traditional vehicles and vehicles equipped with ADS that may have alternate modes. This proposal is limited to the crashworthiness standards and provides a unified set of proposed regulatory text applicable to vehicles with and without ADS functionality. This NPRM builds on NHTSA's efforts to identify and address regulatory barriers to vehicles with unique designs that are equipped with ADS technologies, including the advance notice of proposed rulemaking on removing barriers in the crash avoidance (100 Series) FMVSS in May 2019, the request for comments on this topic in January 2018, and the research that NHTSA is currently conducting. NHTSA also intends to issue a separate notice regarding removal of barriers in the FMVSS that pertain to telltales, indicators, alerts, and warnings in ADS-equipped vehicles.

DATES: You should submit your comments early enough to be received not later than May 29, 2020.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

You may call the Docket Management Facility at 202–366–9826.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.transportation.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR part 512).

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may contact Mr. Louis Molino, Office of Crashworthiness Standards, Telephone: 202–366–1740, Facsimile: 202–493–2739. For legal issues, you may contact Ms. Sara R. Bennett, Office of Chief Counsel, Telephone: 202–366–2992. Facsimile: 202–366–3820. You may send mail to these officials at: The National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Executive Summary

The National Highway Traffic Safety Administration (NHTSA) is proposing to modernize many of its current crashworthiness [1] (200 Series) Federal motor vehicle safety standards (FMVSSs) to remove unnecessary barriers to Automated Driving System-equipped vehicles (ADS-equipped vehicles) and the unconventional interior designs that are expected to accompany these vehicles, including the lack of driving controls.[2] This document and the modifications to the regulatory text discussed within it also take into account some dual-mode ADS-equipped vehicles, as defined by SAE International (SAE).[3]

NHTSA's safety mission requires the agency to prioritize actions that reduce traffic accidents and deaths and injuries resulting from motor vehicle crashes.[4] Enabling innovation with lifesaving potential is also a priority for the agency, and the agency believes that ADS-equipped vehicles may have lifesaving potential. Even so, as much of this potential is currently unsubstantiated and the impacts unknown, the agency believes the most prudent path forward is to remove unnecessary barriers to innovation while ensuring that occupants continue to receive the same protections afforded by existing regulations. Specifically, this Notice of Proposed Rulemaking (NPRM) proposes to modernize portions of the FMVSSs listed below, by making definitional or textual changes. We have tentatively determined that changes are not required for the remainder of the 200 Series FMVSS to achieve the goal of this NPRM, but NHTSA seeks comment as to whether additional changes are necessary or appropriate and all other aspects of this proposal.

—FMVSS No. 201; Occupant protection in interior impact.
—FMVSS No. 203; Impact protection for the driver from the steering control system.
—FMVSS No. 204; Steering control rearward displacement.
—FMVSS No. 205, Glazing materials.
—FMVSS No. 206; Door locks and door retention components.
—FMVSS No. 207; Seating systems.
—FMVSS No. 208; Occupant crash protection.
—FMVSS No. 214; Side impact protection.
—FMVSS No. 216a; Roof crush resistance; Upgraded standard.
—FMVSS No. 225; Child restraint anchorage systems.
—FMVSS No. 226; Ejection Mitigation.

The modifications proposed in this document accomplish several high-level changes that span one or more of the standards listed above and are discussed in greater detail in Section VI.

The first high-level change is the modification, addition, or relocation of key definitions throughout 49 CFR part 571. This proposal defines ''driver air bag,'' ''driver dummy,'' ''driver's designated seating position,'' ''passenger seating position,'' and ''steering control system.'' These definitions become the supporting definitions that clarify application of the FMVSSs to ADS-equipped vehicles while maintaining their application to traditional vehicles and minimizing textual disruption. NHTSA also proposes to add a new term, ''manually-operated driving controls'' and move the definition of ''row'' from FMVSS No. 226 to Part 571.3. In addition, NHTSA proposes to move the definition of ''steering control system'' from FMVSS No. 203 to Part 571.3.

Second, this proposal clarifies the application of some occupant protection standards to vehicles designed to carry objects, not occupants,[5] and clarifies the applicability of standards designed to protect drivers from injury from the steering control system. The rationale behind these changes is that a vehicle that will only carry things, not people, would not require the protections currently in place that are designed to protect occupants. Vehicles not designed to carry occupants may require different protections to be in place, which are not the subject of this document.

Third, this proposal addresses the protections required when there is not a steering wheel or steering column in a motor vehicle. The rationale discussed in this document is that an occupant should not need protection from a steering control system if none exists in that vehicle.

Fourth, this document proposes to modify the regulatory text to address situations where there may be no driver's seat and multiple outboard passenger seats. This is accomplished primarily through the definitional modifications discussed in the first point, above.

Fifth, this proposal discusses the treatment of advanced air bags and advanced air bag suppression telltales [6] given the likely eventuality that child occupants of an ADS-equipped vehicle could one day sit in what we now consider the driver's seat, even though NHTSA guidance is, and expected to continue, that children under the age of

[1] Throughout this notice, NHTSA uses ''crashworthiness'' and ''occupant protection'' interchangeably because the agency considers the 200 Series FMVSSs to be focused on both.

[2] An ADS is defined as the ''hardware and software that are collectively capable of performing the entire [dynamic driving task] on a sustained basis, regardless of whether it is limited to a specific operational design domain (ODD); this term is used specifically to describe a Level 3, 4, or 5 driving automation system.'' SAE International J3016_201806 Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles. While this document uses the term ''ADS-equipped vehicle'' it focuses on SAE Level 4 and Level 5 vehicles that lack traditional manual controls.

[3] An [ADS-Equipped] Dual-Mode Vehicle is defined as ''[a] type of ADS-equipped vehicle designed for both driverless operation and operation by a conventional driver for complete trips.'' SAE J3016_201806 Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles.

[4] 49 U.S.C. 30101.

[5] *Dictionary.com* defines an ''occupant'' as ''a person, family, group, or organization that lives in, occupies, or has quarters or space in or on something.'' *Available at https://www.dictionary.com/browse/occupant.*

[6] Telltales are defined in FMVSS No. 101; Controls and displays, as ''an optical signal that, when illuminated, shows the actuation of a device, a correct or improper functioning or condition, or a vehicle system's failure to function.''

13 should be properly restrained in rear seating rows.

Additionally, this document discusses and proposes modifications to the regulatory text where it currently uses the driver's seat or the steering control as a spatial reference point for other locations in the vehicle. Buses, dummy placement for vehicles with bench seats, and characterizing the side of a vehicle based upon proximity and orientation to the driver's seat are all discussed in detail.

Finally, this proposal makes some minor editorial revisions and some clarifying modifications to ensure that industry and the public have a clear idea of how the occupant protection standards apply to ADS-equipped vehicles.

NHTSA developed this notice of proposed rulemaking in consideration of comments the agency received in response to its January 18, 2018 Request for Comments notice (RFC), which sought to identify regulatory barriers in existing FMVSSs to the testing and compliance verification of ADS-equipped vehicles with unconventional interior designs.[7] Comments received from the RFC indicate that there is a belief that many of the regulatory barriers to certification of ADS vehicles in crashworthiness standards do not require research because they are primarily related to a clarification of terminology, particularly for ''driver'' related terms. Commenters also seemed aligned with the concept that the crash protection afforded front seat occupants should be maintained for ADS vehicles. A more thorough discussion of the comments follows in later sections of this document.

The primary goal of this NPRM is to modify the existing FMVSS in a way that both maintains the occupant protection performance currently required by the 200 Series FMVSS while also providing regulatory certainty for manufacturers developing ADS-equipped vehicles and reducing unnecessary barriers and costs. NHTSA proposes to achieve this goal by primarily making textual and definitional changes throughout the 200 Series FMVSS and in 49 CFR 571.3. The proposed changes are based on the public feedback obtained through the RFC and information provided by stakeholders involved in ongoing NHTSA research.

In this NPRM, the agency explains (with examples) its reasoning behind the various modifications of the regulatory text being proposed and why the agency has opted not to propose other changes. NHTSA notes that, while the proposed regulatory text modifications are included in this document, the agency will provide in the docket for this NPRM a supplemental document that contains the full regulatory text of each modified standard, illustrating the added and deleted regulatory text to ensure that the precise changes proposed are available to commenters with the full context of the unmodified regulatory text. This supplemental document is intended to aid the public by providing a side-by-side comparison of both the current and proposed regulatory text.

Although this proposal attempts to resolve most of the barriers present in the occupant protection FMVSS, it does not address telltales and warnings as they relate to ADS vehicles where there is no requirement for any occupant to be seated in what is currently considered the driver's designated seating position (*i.e.,* driver's seat). This is a broad topic that will be discussed in a future notice focused solely on these issues, where the agency can engage the stakeholder community on those issues requiring additional policy and technical discussion.[8] The one exception to this statement is the availability of the telltale related to the suppression of frontal passenger air bags, which will be discussed in this document.

II. Background

The National Traffic and Motor Vehicle Safety Act (49 U.S.C. chapter 301) (''Safety Act'') prohibits regulated entities from manufacturing for sale, selling, offering for sale, introducing or delivering in interstate commerce, or importing into the United States any motor vehicle or equipment that does not comply with the FMVSSs.[9] There are currently more than 60 FMVSSs that establish performance requirements to address a wide array of safety issues, such as occupant crash protection, fire protection, electrical protection, crash avoidance, and pedestrian safety. Almost all of these FMVSSs were promulgated long before vehicles equipped with ADS were contemplated, and thus, include a variety of assumptions surrounding who would be driving a vehicle, that the vehicle would have human occupants, and what protections drivers and occupants might need. Due to these assumptions, there are many actual and perceived barriers to the unique vehicle designs that are expected to accompany ADS-equipped vehicles that exist throughout the FMVSSs.

a. NHTSA's Prior Research and Public Engagement Efforts

NHTSA has spent the last several years evaluating its regulations as they apply to vehicles equipped with ADS, with the primary focus on identifying potential barriers. The agency has also conducted research and engaged the public through a variety of means to further inform its evaluation of the FMVSSs. NHTSA, in collaboration with the Volpe National Transportation Systems Center, conducted a preliminary report identifying barriers to the compliance testing and self-certification of ADS-equipped vehicles without traditional manual controls. In March 2016, that report was published (the ''Volpe Report'').[10] The report focused on FMVSS requirements that present barriers due to references to humans throughout those standards.[11]

Based on the Volpe Report findings, in 2017, NHTSA initiated work with the Virginia Tech Transportation Institute (VTTI) to expand upon the report by performing analysis and industry outreach to identify potential approaches for addressing certification and compliance verification barriers.[12] Through this contract with NHTSA, VTTI taking a broader look at possible modifications to the current FMVSS regulatory text and test procedures that would both maintain safety and ensure regulatory certainty for manufacturers of ADS-equipped vehicles without traditional manual controls.

The agency and the Department of Transportation (DOT) have also issued guidance focused on various aspects of ADS safety and safety of automation across the transportation sector. In September 2017, NHTSA and DOT released the guidance document *Automated Driving Systems 2.0: A Vision for Safety* to provide guidance to the public, particularly industry stakeholders and the States. *A Vision for Safety* discussed 12 priority safety

[7] 83 FR 2607 (Jan. 18, 2018).

[8] Regulation Identifier Number 2127–AM07. More information available on the Unified Agenda: *https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201904&RIN=2127-AM07.*

[9] 49 U.S.C. 30112(a).

[10] Kim, Perlman, Bogard, and Harrington (2016, March) Review of Federal Motor Vehicle Safety Standards (FMVSS) for Automated Vehicles, Preliminary Report. U.S. DOT Volpe Center, Cambridge, MA. Available at: *https://rosap.ntl.bts.gov/view/dot/12260.*

[11] The term 'driver' is defined in § 571.3 as follows: ''Driver means the occupant of the motor vehicle seated immediately behind the steering control system.''

[12] The task award document states ''[t]he overall goal of this Task Order is to provide NHTSA findings and results needed to make informed decisions regarding the modification of FMVSS in relation to the certification and compliance verification of innovative new vehicle designs precipitated by automated driving systems.''

design elements for manufacturers and other innovators involved in ADS development, including vehicle cybersecurity, human machine interface, crashworthiness, consumer education and training, and post-crash ADS behavior. In October 2018, DOT released *Preparing for the Future of Transportation: Automated Vehicle 3.0,* a complementary document to the 2017 guidance that introduces guiding principles that will support Departmental programs and policies and describes the DOT's multi-modal strategy to address existing barriers to safety innovation and progress. It also communicates DOT's agenda to the public and stakeholders on important policy issues and identifies opportunities for cross-modal collaboration. DOT's automation principles are: (1) We will prioritize safety; (2) We will remain technology neutral; (3) We will modernize regulations; (4) We will encourage a consistent regulatory and operational environment; (5) We will prepare proactively for automation; and (6) We will protect and enhance the freedoms enjoyed by Americans.

NHTSA and DOT have engaged stakeholders by holding several public events on topics surrounding vehicles equipped with ADS. On December 7, 2017, DOT hosted a roundtable on voluntary data exchanges to accelerate the safe deployment of vehicles equipped with ADS. Later, on March 1, 2018, DOT held a public listening session on automated vehicle policy to seek input on the development of *Preparing for the Future of Transportation: Automated Vehicles 3.0.* On March 6, 2018, NHTSA held a public meeting on regulatory barriers in the existing FMVSSs to the vehicles equipped with ADS and that have certain unconventional interior designs. NHTSA, coordinating with VTTI, also held two multi-day public meetings on FMVSS considerations for ADS, to ensure that the agency was considering all viable options for the modernization of current FMVSS text and test procedures.

Additionally, NHTSA has issued several notices in the last two years on issues surrounding the development and deployment of ADSs. One of which was a RFC on how best the agency should approach updating its standards, which is described in more detail in sections below. The second notice was an advance notice of proposed rulemaking (ANPRM) soliciting information from the public about whether and how best to develop a national pilot program for testing ADS-equipped vehicles in a safe manner. Third, NHTSA issued an ANPRM requesting information from the public on modernizing NHTSA crash avoidance standards (100 Series FMVSS) by removing unnecessary and unintended barriers.[13]

While the agency works to identify unnecessary restrictions on nascent technologies with life-saving potential, it also recognizes that many of the protections that today's FMVSSs provide are broadly applicable to all vehicles, including ADS-equipped vehicles. The crashworthiness and occupant protection standards that NHTSA has put in place are examples of such standards. These standards and the associated technologies utilized in these standards have provided protections that have saved hundreds of thousands of lives over the last 50 plus years and the agency believes that the occupants of ADS-equipped vehicles also need such protections since even a perfectly designed ADS will not be able to avoid all crashes.[14] Thus, the agency's approach for the 200 Series FMVSSs is to clarify the *unintentional* barriers to innovation, ensure current protections are enjoyed by occupants of ADS-equipped vehicles, and conduct additional research on the remaining FMVSSs and occupant protection issues the agency is not currently able to address with textual or definitional changes. For occupant protection, some of the issues that require further research include novel seating arrangements (*e.g.,* campfire seating; carriage-style seating), novel occupant seating postures (*e.g.,* lay flat seating), rear seat protections, occupant seat use patterns, and transitions of traditional manual controls in dual-mode ADS-equipped vehicles (*i.e.,* driving controls that can be stowed away while an ADS controls the vehicle).

b. Impact of This NPRM on Current and Future Petitions for Exemption

Until NHTSA comprehensively amends all the FMVSSs to not explicitly or implicitly require manual controls, NHTSA expects that manufacturers of ADS-equipped vehicles without traditional manual controls will seek exemptions from those FMVSS requirements that implicitly or explicitly require manual controls. In addition, we believe that uncertainty related to the certifications of ADS-equipped vehicles with driving controls will result in exemption requests. NHTSA has statutory authority under 49 U.S.C. 30113 to grant manufacturers exemptions from FMVSS and Bumper Standard requirements for limited number of vehicles. NHTSA may only grant an exemption if a manufacturer demonstrates that an exemption would be in the public interest, would be consistent with the Safety Act, and would qualify under at least one of four enumerated statutory bases.[15] NHTSA has promulgated regulations formalizing the procedures manufacturers must follow to seek an exemption at 49 CFR part 555.

Manufacturers applying for an exemption under 49 U.S.C. 30113 must make all the statutorily required showings for each FMVSS requirement with which an exempted vehicle would not comply. Given the number of FMVSS requirements that currently require or assume the presence of a driver or make reference to things such as the driver's seat, driver air bag or driver dummy, NHTSA expects that manufacturers of ADS-equipped vehicles could potentially need to seek exemptions from dozens of FMVSS requirements.

The proposed changes in this document will not eliminate the need for manufacturers of ADS-equipped vehicles to seek exemptions. However, the proposed changes could make the exemption process more efficient by reducing the number of standards from which manufacturers of ADS-equipped vehicles must seek exemption, while maintaining the existing level of occupant protection provided by the current FMVSSs. The recent exemption petition from General Motors (GM) for their Zero-Emission Autonomous Vehicle (ZEAV), 84 FR 10182, provides an illustrative example of how this proposal could impact the exemption process. In that petition, GM requested exemption from 16 FMVSSs, six of which are crashworthiness standards that would be affected by this proposal (FMVSS Nos. 203, 204, 207, 208, 214, and 226). If the changes proposed by this document had been finalized at the time GM submitted its application, many of the requirements in these six standards either would not have applied to the ZEAV, or would have provided compliance options that would have allowed for certification.[16]

[13] 84 FR 24433 (May 28, 2019).

[14] DOT HS 812 069, ''Lives Saved by Vehicle Safety Technologies and Associated Federal Motor Vehicle Safety Standards, 1960 to 2012,'' January 2015.

[15] Three of the four exemption bases require that the manufacturer make some sort of documentary showing regarding the level of safety of the exempted vehicle. The remaining basis requires that the manufacturer show that an exemption is needed to avoid substantial economic hardship.

[16] We note that some of these standards include requirements for telltales or alerts, which would not be affected by the changes proposed in this notice,

Continued

c. ADS Barriers Request for Comment

To begin the rulemaking process, NHTSA published a RFC on January 18, 2018.[17] This RFC requested information from the public to assist the agency in identifying any potential barriers in the existing FMVSS to the testing and compliance verification of ADS-equipped vehicles and certain unconventional interior designs that could be addressed without adversely affecting safety. That document focused primarily on vehicles equipped with ADS that lack certain controls that humans would use to control and navigate vehicles, such as brake pedals, steering wheels, and accelerator pedals. NHTSA solicited public input on how best the agency could approach the evaluation of current FMVSSs. The RFC asked a series of questions on identified and as of yet unidentified barriers in the FMVSSs, test procedure modifications, research issues, and how the agency should prioritize its research and rulemaking efforts. NHTSA's goal in publishing the RFC was to collect the information necessary to develop proposals to modernize its standards and launch research to support such proposals. Comments received in response to the RFC that are applicable to this proposal are summarized below.

d. Summary of Comments Received in Response to the ADS Barriers RFC That Apply to This Proposal

The majority of comments received supported the concept of updating the FMVSSs, though some expressed concern with the timing of doing so. The Advocates for Highway and Auto Safety (''Advocates'') expressed concern with NHTSA working to remove barriers to ADS-equipped [18] vehicles before evaluating the safety of vehicles equipped with ADSs and developing standards to govern the ADS's performance.[19] The Center for Auto Safety agreed and commented that NHTSA and DOT should develop and put in place safeguards to protect the public from ADS-equipped vehicles before removing barriers.[20] The Center for Auto Safety commented that the American public have expressed discomfort and apprehension regarding ADS-equipped vehicles, and that safety should be NHTSA's primary focus, not ''paving the way for the success of businesses'' in the ADS market.[21]

Consumer Watchdog echoed these concerns and added that it believes NHTSA is violating its safety mission by removing barriers.[22] Consumer Watchdog stated that NHTSA should remove the ''right barriers'' and conduct research to develop new regulations of vehicles equipped with ADSs.

The agency agrees that focusing on the removal of the ''right'' barriers is the first step, and the approach taken in this document makes as minimal changes as possible, while also making sure the occupant protections currently in place remain in place to benefit occupants of ADS-equipped vehicles. NHTSA is also conducting research on how best to extend this approach to the rest of the FMVSSs not covered in this document and is also conducting research on how the agency might test and evaluate the performance of ADSs. Additionally, NHTSA plans to issue a notice discussing potential safety principles that the agency could assess and validate the competence and safety of ADSs.[23]

A wide array of stakeholders expressed support in their comments for treating FMVSS modification differently for ADS-equipped vehicles designed to carry human occupants and ADS-equipped vehicles not designed to carry human occupants. For example, the Advocates questioned the need for occupant protection requirements for vehicles that will never carry occupants, while stressing that it believes all other FMVSS requirements (*e.g.,* crash avoidance and post-crash survivability, both of which are outside the scope of this NPRM) should be retained to protect all road users.[24] The Alliance of Automobile Manufacturers (Alliance) stated there may be a need to evaluate provisions of the FMVSS that could have implications for occupant-less ADS-equipped vehicles.[25]

There also seemed to be agreement among most stakeholders that maintaining the current level of protection and performance offered by the 200 Series FMVSSs is an important goal in order to ensure the safety of all occupants. Many manufacturers commented that ADS-equipped vehicles that have conventional front row seating configurations and lack manual controls should have the same requirements and protections in all front seating positions. General Motors suggested that NHTSA complete this in the agency's initial efforts to remove barriers,[26] and Waymo specifically recommended that NHTSA take the protections of the front right outboard passenger seat and apply those to front left outboard seating position (or what is considered a driver's seat in a vehicle with manual controls).[27]

Some commenters commented extensively on the terms ''driver'' and ''driver's seating position.'' Global Automakers stated that ''these references, as well as other driver reference type categories identified in the Volpe report, should be considered on a case-by-case basis for their potential impact on the ability to certify a vehicle consistent with Federal Standards.'' [28] They also stated that it may be appropriate for some FMVSSs to require, for instance, that ''driver's seat'' requirements apply to any front seating position occupant. Even so, Global Automakers commented that NHTSA should likely use a finite number of alternatives to address references to ''driver'' throughout the FMVSSs. Zoox Inc. (''Zoox'') also addressed the modification of the definition of ''driver'' and provided sample regulatory text in its comments.[29] The definition of ''human driver'' that Zoox suggested is the current definition of ''driver'' found in 49 CFR 571.3. Zoox suggested defining ''human driver'' and suggested modifying the current definition of ''driver'' to clarify its applicability to both humans and ADS. Zoox opined that it may also:

but are expected to be addressed in a future rulemaking. GM would still need to seek an exemption for these requirements even if the changes being proposed in this document are adopted.

[17] 83 FR 2607 (January 18, 2018).

[18] Advocates and other commenters used the term autonomous vehicle (AV) or highly automated vehicle (HAV) to refer to vehicles equipped with ADSs. For consistency in this document we will use the terms ADS or ADS–DV, as appropriate.

[19] Docket No. NHTSA–2018–0009–0086, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0086.*

[20] Docket No. NHTSA–2018–0009–0083, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0083.*

[21] *Id.*

[22] Docket No. NHTSA–2018–0009–0085, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0085.*

[23] RIN 2127–AM15. More information is available at: *https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201904&RIN=2127-AM15.*

[24] Docket No. NHTSA–2018–0009–0086, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0086.*

[25] Docket No. NHTSA–2018–0009–0070, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0070.*

[26] Docket No. NHTSA–2018–0009–0070, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0079.*

[27] Docket No. NHTSA–2018–0009–0088, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0088.*

[28] Docket No. NHTSA–2018–0009–0095, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0095.*

[29] Docket No. NHTSA–2018–0009–0089, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0089.*

[B]e appropriate to maintain a finite number of defined alternatives to addressing instances where the term 'driver's seat' appears. For example, in some instances it may be appropriate to redefine the 'driver's seat' as the 'primary seating position as designated by the manufacturer.' For other regulations, an alternative could be to define the driver's seat as the 'front left-most seat.' One example of why this is important would be for standards concerning how a dummy may be positioned within the vehicle for the purposes of evaluating compliance with crashworthiness standards.[30]

Some commenters provided detailed analysis of the particular barrier that they believe each standard poses, including the categorization and nature of the potential barrier. A summary of the discussion for particular standards is listed below by standard.

—FMVSS No. 201; Occupant protection in interior impact.

Many commenters agreed that FMVSS No. 201 would need clarification in order to remove barriers to ADS vehicles. Both the Alliance[31] and Ford[32] separated each FMVSS and Part Regulation into categories that described the extent and effect of the barrier, as they perceived them. Alliance and Ford both stated that FMVSS No. 201 contained language that did not fully contemplate ADSs, but included barriers that could be resolved with near-term solutions, such as language modifications, interpretations, and exemptions. Motor & Equipment Manufacturers Association commented that FMVSS No. 201 either was not applicable to ADSs or posed a barrier to these vehicles.[33]

After a detailed review of our current standards, and in consideration of additional input received through the VTTI research program, NHTSA tentatively agrees with the assessment that the barriers posed by FMVSS No. 201 can and should be relatively easily resolved through language and definitional modifications. Thus, NHTSA proposes to modify the regulatory text of FMVSS No. 201, described in greater detail in later sections of this document.

—FMVSS No. 203; Impact protection for the driver from the steering control system.

The Alliance, Ford, and Mercedes Benz USA LLC[34] stated that FMVSS No. 203 is likely not relevant or applicable to ADS-equipped vehicles without conventional manual driver controls because the absence of the controls make the regulation unnecessary. Zoox requested regulatory text revisions that would clearly indicate that this standard does not apply to ADS-equipped vehicles without controls.

After a detailed review of our current standards, and in consideration of additional input received through the VTTI research program, NHTSA tentatively agrees with the assessment that the FMVSS No. 203 should not apply to vehicles without steering control systems. However, factors considered go beyond the mere absence of a steering control. The agency describes in greater detail in later sections of this document the justification for this proposed decision. Thus, NHTSA proposes to modify the regulatory text of FMVSS No. 203 to clarify applicability to ADS-equipped vehicles, described in greater detail in later sections of this document.

—FMVSS No. 204; Steering control rearward displacement.

The Alliance, Ford, and Mercedes Benz stated that FMVSS No. 204 is likely not relevant or applicable to ADS-equipped vehicles without conventional manual driver controls because the absence of the controls make the regulation unnecessary. Zoox requested regulatory text revisions that would clearly indicate that this standard does not apply to ADS-equipped vehicles.

After a detailed review of our current standards, and in consideration of additional input received through the VTTI research program, NHTSA tentatively agrees with the assessment that the FMVSS No. 204 should not apply to vehicles without steering control systems. However, factors considered go beyond the mere absence of a steering control. We describe in greater detail in later sections of this document the justification for this proposed decision. Thus, NHTSA proposes modifications to the regulatory text of FMVSS No. 204 to clarify applicability to ADS-equipped vehicles, described in greater detail in later sections of this document.

—FMVSS No. 205, Glazing materials.

The Alliance stated that the transparency related portions of FMVSS No. 205 are likely not relevant or applicable to ADS-equipped vehicles without conventional manual driver controls because the absence of the controls make the regulation unnecessary. Similarly, Ford's commented that ''this regulation is not applicable'' to ADS-equipped vehicles with ''sophisticated sensor systems allowing the ADS to see objects surrounding the vehicle.''[35] However, the Alliance stated the crashworthiness aspects should be preserved.

After a detailed review of our current standards, and in consideration of additional input received through the VTTI research program, NHTSA tentatively concludes that FMVSS No. 205 remains relevant for crashworthiness of ADS-equipped vehicles without driving controls vehicles. However, NHTSA proposes modifications to the regulatory text of FMVSS No. 205 to clarify applicability only to vehicles that carry occupants, described in greater detail in later sections of this notice.

—FMVSS No. 206; Door locks and door retention components.

Alliance and Ford both stated that FMVSS No. 206 exhibited language that did not fully contemplate ADSs, but included barriers that could be resolved with near-term solutions, such as language modifications, interpretations, and exemptions. The Alliance also specifically mentions the visual or audible warnings that must be conveyed to the driver.

After a detailed review of our current standards, and in consideration of additional input received through the VTTI research program, NHTSA tentatively agrees with the assessment that the barriers posed by FMVSS No. 206 can and should be resolved through language and definitional modifications. Thus, NHTSA proposes modifications to the regulatory text of FMVSS No. 206 described in greater detail in later sections of this notice. However, as noted above, this document does not address issues pertaining to warning systems.

—FMVSS No. 207; Seating systems.

While the Alliance stated that it believes that FMVSS No. 207 exhibited language that did not fully contemplate ADSs, but that the issues could be resolved with minor modifications, Ford indicated that they believed an existing interpretation had resolved the barrier. Zoox requested a modification of the regulatory test to ensure the driver's seat requirement was clarified as applying to a human.

While an interpretation provides the public with some clarity or additional

[30] Docket No. NHTSA–2018–0009–0089, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0089.*

[31] Docket No. NHTSA-2018-0009-0070, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0070.*

[32] Docket No. NHTSA-2018-0009-0099, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0099.*

[33] Docket No. NHTSA-2018-0009-0080, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0080.*

[34] Docket No. NHTSA–2018–0009–0077, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0077.*

[35] Docket No. NHTSA–2018–0009–0099, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0099.*

insight into NHTSA's interpretation of its standards as applied to a particular set of facts, modification of regulatory text through notice and comment rulemaking is the appropriate means of making policy changes. After a detailed review of our current standards, and in consideration of additional input received through the VTTI research program, NHTSA tentatively agrees with the assessment that the barriers posed by FMVSS No. 207 can and should be resolved through language and definitional modifications. The agency is using an approach in line with that suggested by the commenters to address the requirement for a driver's seat. Thus, this proposal provides modifications to the regulatory text of FMVSS No. 207 and its rationale for doing so, which are described in greater detail in later sections of this notice.

—FMVSS No. 208; Occupant crash protection.

Alliance and Ford both stated that FMVSS No. 208 exhibited language that did not fully contemplate ADSs, but included barriers that could be resolved with near-term solutions, such as language modifications, interpretations, and exemptions.

Additionally, other commenters discussed the air bag readiness indicator and advanced air bag suppression status requirements in FMVSS No. 208. Zoox suggested the agency modify the text of FMVSS No. 208 requiring an air bag readiness indicator in S4.5.2 of FMVSS No. 208 to indicate that if there is no driver's designated seating position, the telltale must be visible to ''at least one designated seating position.'' [36] Zoox also suggested modified regulatory text for S19.2.2 of FMVSS No. 208, which provides telltale requirements for the advanced air bag suppression status. Zoox suggested that any reference to the ''right'' front passenger be changed to the ''outboard'' front passenger and thus allowing for the possibility of there being a telltale for any front outboard location.[37]

After a detailed review of our current standards, and in consideration of additional input received through the VTTI research program, NHTSA tentatively agrees in part with the assessment that many of the barriers posed by FMVSS No. 208 can and should be resolved through language and definitional modifications, and thus, has included this standard in this NPRM. The agency notes that other barriers, such as those involving indicator and warnings included in FMVSS No. 208 may be addressed in a future notice that includes a holistic discussion of the appropriate applicability of telltale requirements in ADS-equipped vehicles.

—FMVSS No. 214; Side impact protection.

While the Alliance stated that it believes that FMVSS No. 214 exhibited language that did not fully contemplate ADSs, but that the issues could be resolved with minor modifications, Ford indicated that they believed an existing interpretation had resolved the barrier.

While an interpretation provides the public with some clarity or additional insight into NHTSA's interpretation of its standards as applied to a particular set of facts, modification of regulatory text through notice and comment rulemaking is the appropriate means of making policy changes. After a detailed review of our current standards, and in consideration of additional input received through the VTTI research program, NHTSA proposes modifications to the regulatory text of FMVSS No. 214, which are described in greater detail in later sections of this notice.

—FMVSS No. 216a; Roof crush resistance; Upgraded standard.

While the Alliance stated that it believes that FMVSS No. 216a exhibited language that did not fully contemplate ADSs, but that the issues could be resolved with minor modifications, Ford indicated that they believed an existing interpretation had resolved the barrier.

While an interpretation provides the public with some clarity or additional insight into NHTSA's interpretation of its standards, modification of regulatory text through notice and comment rulemaking is the appropriate means of making policy changes. After a detailed review of our current standards, and in consideration of additional input received through the VTTI research program, NHTSA tentatively agrees with the assessment that the barriers posed by FMVSS No. 216a can and should be resolved through language and definitional modifications. Thus, NHTSA proposes modifications to the regulatory text of FMVSS No. 216a, described in greater detail in later sections of this notice.

—FMVSS No. 225; Child restraint anchorage systems.

While the Alliance stated that it believes that FMVSS No. 225 exhibited language that did not fully contemplate ADSs, but that the issues could be resolved with minor modifications, Ford indicated that they believed an existing interpretation had resolved the barrier.

After a detailed review of our current standards, and in consideration of additional input received through the VTTI research program, NHTSA tentatively agrees with the assessment that the barriers posed by FMVSS No. 225 can and should be resolved through language and definitional modifications, and thus, has included this standard in this NPRM. Thus, NHTSA proposes modifications to the regulatory text of FMVSS No. 225, described in greater detail in later sections of this notice.

—FMVSS No. 226; Ejection Mitigation.

Alliance and Ford both stated that FMVSS No. 226 exhibited language that did not fully contemplate ADSs, but included barriers that could be resolved with near-term solutions, such as language modifications, interpretations, and exemptions.

After a detailed review of our current standards, and in consideration of additional input received through the VTTI research program, NHTSA tentatively agrees in part with the assessment that many of the barriers posed by FMVSS No. 226 can and should be resolved through language and definitional modifications, and thus, proposes modifications to this standard in this NPRM. The agency notes that other barriers, such as those involving the ejection mitigation countermeasure indicator included in FMVSS No. 226, would be more appropriately addressed in the agency's planned future notice relating to the appropriate applicability of telltale requirements in ADS-equipped vehicles.

III. Limitations on Scope and Guiding Principles for Initial Identification and Removal of Regulatory Barriers

The changes proposed in this NPRM seek to remove unnecessary regulatory barriers to ADS-equipped vehicles in the crashworthiness FMVSSs, while maintaining the level of occupant protection that these standards currently provide. Additionally, the proposed changes would clarify the application of the crashworthiness standards to ADS-equipped vehicles without traditional manual controls, and would make changes facilitating certification and compliance verification of these vehicles to occupant protection requirements. NHTSA believes that, if adopted, the proposed changes would provide regulatory certainty for vehicle manufacturers as to whether and how to certify the compliance of ADS-equipped vehicles without manual controls to the 200 Series FMVSSs, and would reduce the number of requirements from which manufacturers of these vehicles may

[36] Docket No. NHTSA–2018–0009–0099, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0099.*

[37] Docket No. NHTSA–2018–0009–0089, *available at https://www.regulations.gov/document?D=NHTSA-2018-0009-0089.*

need to seek a temporary exemption.[38] [39]

In developing this NPRM, the agency limited the scope of the barriers addressed by this proposed rule to exclude certain subject matters which the agency intends to address in other notices. NHTSA also followed certain guiding principles to ensure that the proposed changes properly balanced the interests of safety, feasibility and transparency with the public. We explain these scope limitations and guiding principles in greater detail below.

a. Limitations on Scope

Although this document is the agency's first proposal containing modified regulatory text for the accommodation of ADS-equipped vehicles without traditional manual controls, NHTSA has other notices with similar goals planned.[40] As such, this proposal is limited in scope and rests on a number of assumptions, which are described in this section. First, we assume that the initial ADS-equipped vehicles will have seating configurations similar to non-ADS vehicles, *i.e.,* forward facing front seating positions (conventional seating). This approach of addressing conventional seating first is consistent with many of the comments provided in response to the RFC.[41] This limitation is primarily relevant to crashworthiness standards with dynamic crash test performance requirements for occupants, *i.e.,* FMVSS Nos. 201, ''Occupant protection in interior impact,'' 208, ''Occupant crash protection,'' and 214, ''Side impact protection.'' The narrow scope of this document should in no way be interpreted that the agency believes that these standards are limited in applicability to ADS-equipped vehicles with conventional seating or that future updates will not be necessary to allow for ADS-equipped vehicles with unconventional seating arrangements. Nonetheless, we have not attempted to address in this document the revisions that may be necessary to provide regulatory certainty for manufacturers that wish to self-certify ADS-equipped vehicles with unconventional seating arrangements. Modifying current standards to account for and include non-traditional seating configurations requires significant additional research that the agency recently began. This research has been informed through input from the VTTI project [42] and the RFC, as well as and continues to be informed through public outreach on the agency's research portfolio.[43]

Second, this NPRM addresses the topic of ADS vehicles designed exclusively to carry property (''occupant-less vehicles'') to the extent that the agency proposes that current crashworthiness requirements intended to protect human occupants should not apply to such vehicles. Our preliminary analysis leads us to conclude that occupant-less vehicles meet the Part 571.3 definition of a truck because occupant-less vehicles have no designated seating positions (DSPs), which necessarily means they are ''designed primarily for the transportation of property.'' [44] However, the agency solicits feedback on other perspectives from commenters. For occupant protection requirements tied to a particular DSP location, the absence of a DSP in a vehicle means that the associated performance test cannot be conducted. More detail is provided in the sections of this NPRM where we explain the changes made to each standard.

Notwithstanding this added clarification, NHTSA wishes to acknowledge that potential entrance of occupant-less vehicles into the market could theoretically have downstream effects on vehicle safety. The frontal crash protections provided for vehicle occupants by FMVSS No. 208 promotes vehicle structures that reduce the crash forces felt not only by occupants, but also by occupants of collision partners. These associated effects could be offset in whole or in part by the design and size of the vehicles. This is a complex issue and we are not prepared to address this topic further at this time. NHTSA plans to complete research and separately seek public comment on the creation of a new FMVSS category for occupant-less vehicles.

Further, another limitation on the scope of this document relates to the barriers present in the standards within this document related to telltales and warnings. The agency is not prepared at this time to provide a thorough analysis with respect to the topic of telltales and warnings as they related to ADS-equipped vehicles, including where there is no requirement for any occupant to be seated in what is currently considered the driver's designated seating position (driver's seat). This is a broad topic found throughout many of the FMVSS, not just the 200 Series standards. As mentioned above, research is continuing in this area, and the agency plans to publish a separate notice related to telltales. However, the availability of the telltale related to the suppression of frontal passenger air bags is the one excepted area that will be discussed in this document (see section VI.a.5, below).

In analyzing the current 200 Series regulatory text and developing the necessary revisions, there were certain overarching principles NHTSA attempted to keep in the forefront and guide the process. Below the agency describes the principles that guided our consideration of how best to apply the current FMVSSs to ADS-equipped vehicles.

b. Guiding Principles to NHTSA's Approach in Updating the Crashworthiness FMVSS to Account for ADSs

1. Maintain Current Performance Requirements

NHTSA took every effort to maintain the level of crashworthiness performance in ADS-equipped vehicles without traditional manual controls currently required for vehicles without ADS functionality with the goal of maintaining occupant protection. In addition, the agency has attempted to craft the proposal such that it will have no effect on vehicles without ADS functionality. In doing so, NHTSA examined both the safety intent and specific performance requirements of the current standards as they apply to non-ADS vehicles. Although the safety intent may in certain cases appear to be somewhat abstract, they come more

[38] The agency has also analyzed the 300 Series standards, but no changes are being proposed in this notice.

[39] The agency notes that vehicles equipped with an ADS that have traditional manual controls are currently covered by the occupant protection FMVSS and can typically be certified as such. However, NHTSA acknowledges that there may be some regulatory uncertainty on the part of manufacturers related to the 200 Series FMVSSs, even for ADSs with manual driving controls, which this NPRM seeks to address through proposed modifications of the existing regulatory requirements and definitions.

[40] ''Removing Regulatory Barriers for Automated Driving Systems,'' RIN 2127–AM00, *available at https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201810&RIN=2127-AM00;* ''Considerations for Telltales, Indicators and Warnings for Automated Driving Systems,'' RIN 2127–AM07, *available at https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201810&RIN=2127-AM07.*

[41] Although conventional forward-facing seats are assumed, the proposal does not assume that every vehicle has front outboard seats as currently defined.

[42] *See* Contract No. DTNH2214D00328L/DTNH2217F00177, ''Assessment, Evaluation, and Approaches to Modification of FMVSS that may Impact Compliance of Innovative New Vehicle Designs Associated with Automated Driving Systems.''

[43] *https://www.federalregister.gov/documents/2019/10/10/2019-22130/public-meeting-regarding-nhtsas-research-portfolio.*

[44] 49 CFR 571.3.

clearly into focus when specific requirements and regulatory text sections, such as purpose, scope, application, and definitions, are analyzed.

In consideration of the above, one of the complicating factors that became apparent was that a literal translation of the current regulatory text may in some cases be insufficient to maintain the safety intent or the existing level of performance. Nonetheless, the agency recognizes that there can be multiple valid approaches to achieving this goal of maintaining the performance requirements and that there can be reasonable disagreements about the safety intent and equivalence of safety when dealing with requirements that were, in some cases, promulgated many years ago.

2. Reduce Unnecessary Regulatory Barriers and Uncertainty for Manufacturers

We seek to modify the existing FMVSSs in a way that will help provide regulatory certainty for manufacturers developing ADS-equipped vehicles and reduce unnecessary certification barriers and cost in certain areas. If done correctly, this should help streamline manufacturers' certification processes, reduce certification costs and minimize the need for future NHTSA interpretation or exemption requests. Likewise, this approach will help the agency become more effective and efficient in the focused treatment of the fewer and more complex application of existing standards. NHTSA proposes to accomplish this in a way that maximizes stakeholder input and transparency and will garner public trust in the regulatory process for ADS vehicles.

3. Maintain the Current Regulatory Text Structure

The changes proposed in this document are intended to adapt existing FMVSS requirements for ADS vehicles in a way that does not change the existing requirements for non-ADS vehicles (*i.e.,* vehicles with a driver's DSP). In some cases, this makes the new regulatory text more complex than it would otherwise need to be if this bifurcation were not made. In some instances, it may be possible to use the new translation specific to ADS vehicles and apply it to all vehicles, without any substantive change for non-ADS vehicles. We ask commenters to indicate where they believe this might be the case. We will attempt to highlight some of those situations, where appropriate in this notice.

4. Remain Technology Neutral

One of the core tenets of NHTSA's recent work to modernize the FMVSSs is to do so in a manner that becomes more inclusive of the unique interior designs that are expected to accompany ADS-equipped vehicles and to instill technology neutrality in the regulatory text of the standards, to the extent practicable. This tenet is one of the DOT's Automation Principles, as described in *Preparing for the Future of Transportation: Automated Vehicles 3.0,* and is in line with previous DOT guidance that advised legislatures throughout the United States to also adopt this principle.[45] The agency believes that this proposal exemplifies this tenet, while balancing the needs for maintaining occupant protection standards. NHTSA requests comment on whether there are additional changes that the agency could make to be more inclusive of different technologies and improve technology neutrality in the FMVSS.

IV. Maintaining Original Safety Intent and Performance Requirements

a. Application to Crashworthiness Standards

Other than dual-mode vehicles,[46] a fundamental feature of many Level 4 and Level 5 ADS-equipped vehicles will likely be the absence of manual driving controls in left front outboard designated seating position, previously occupied by the driver in non-ADS vehicles. Thus, what was previously a driver's seating position, will effectively become a passenger seating position. We have attempted to maintain the safety intent and level of safety previously available to drivers by applying the same crash test performance requirements as the right front occupant to the left front outboard occupant. This concept was supported by several RFC commenters. This is neither surprising nor novel for crash protection required by the FMVSSs in that currently both front outboard seating positions are subjected to identical crash and impact tests, with the same adult sized test dummies and injury criteria. For example, the crash test requirements only deviate with respect to dummy positioning consistent with driving controls being available in the left front seat. Regulatory text changes are proposed to clarify that the right front passenger protection will be mirrored on the left side.

However, there are some unique aspects of occupant protection related to advanced air bags that differ from passenger to driver seat. The right front outboard seating position (current passenger position) is subjected to a suite of tests designed to determine if the air bag will suppress or deploy in a low risk manner for out-of-position (OOP) occupants. The driver's seating position also has performance requirements for an OOP driver. As is the case for crash protection, if the left front outboard occupant becomes a passenger due to the elimination of driving controls, NHTSA believes that position would need to have the same OOP protection offered to the right front occupant. Regulatory text changes are proposed to clarify that the right front passenger OOP protection will be mirrored on the left side.

Finally, as the agency works toward providing regulatory certainty in the self-certification process while maintaining current safety levels, it has become clear that the current vehicle occupancy patterns may change for ADS vehicles. NHTSA is aware that existing occupant crash protection has been biased towards front outboard seat occupants, because traditionally, every vehicle has a driver and the right front passenger seat is the next most frequently occupied. This may not be the case for ADS vehicles, even with conventional forward-facing seats, thus likely changing the overall injury patterns seen in the vehicle fleet. As technology develops and ADS-equipped vehicles become more prevalent, this could necessitate a reassessment of the crash protection offered to occupants other than those in the front seats. This document does not attempt such a task.

V. New and Current Definitions in Part 571.3

One of the primary challenges to the self-certification of ADS-equipped vehicles without traditional manual controls is the pervasive use of some form of the term ''driver'' throughout the FMVSSs. Although the terms ''driver,'' ''driver's'' and ''driving,'' appear upwards of 200 times throughout the FMVSSs, each instance it is used falls roughly into one of four categories. Specifically, a driver is: (1) An entity that performs certain actions necessary for the determination of FMVSS compliance, *e.g.,* brake pedal application in FMVSS No. 135, ''Light vehicle brake system;'' (2) a vehicle occupant who must be protected in a crash, *e.g.,* frontal crash protection in

[45] Automated Driving Systems 2.0: A Vision for Safety, *available at https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13069a-ads2.0_090617_v9a_tag.pdf.*

[46] In this notice, this means a vehicle that has controls for human driving as well as a mode for ADS driving, whether or not the human driving controls are position for use.

FMVSS No. 208; (3) a spatial frame of reference for vehicle geometry, *e.g.,* vehicle attitude in FMVSS No. 216a, and (4) an entity that receives messaging from the vehicle, *e.g.,* door opening warning in FMVSS No. 206. All of these characteristics of a vehicle that relate to the driver terms must be considered when attempting to apply the current FMVSSs to vehicles equipped with ADS and when attempting to provide a holistic solution to the challenges in updating the FMVSSs to reflect the changed circumstances that ADS-equipped vehicles without manual controls will present.

By way of background, for more than 50 years the term ''driver'' has been defined in Part 571.3 as ''the occupant of a motor vehicle seated immediately behind the steering control system.'' The plain meaning of the term ''occupant'' is a human, since a human occupies space in the vehicle and would be seated in a designated seating position. Moreover, if the term ''occupant'' is understood to mean a human occupant, this definition is compatible with the four characteristics of a driver mentioned above.

While limiting the term ''driver'' to a human is consistent with the plain meaning of the ''driver'' definition, and is compatible with the current uses of the term ''driver'' in the FMVSS, it also precludes use of an unmodified version of the term to describe the driving functionality of the ADS. In recognition of the potential regulatory challenges that NHTSA's longstanding definition of the term ''driver'' could create for manufacturers of these ADS-equipped vehicles, NHTSA issued an interpretation letter to Google in 2016 (the ''Google Interpretation'') in which the agency explained how it would adapt the definition of driver to the extent possible to account for ADS-equipped vehicles.[47] In this interpretation, the agency explained that it would interpret the definition of driver as follows:

''NHTSA will interpret 'driver' in the context of Google's described motor vehicle design as referring to the SDS [Self-Driving System],[48] and not to any of the vehicle occupants. . . . If no human occupant of the vehicle can actually drive the vehicle, it is more reasonable to identify the 'driver' as whatever (as opposed to whoever) is doing the driving.''

However, NHTSA also explained that the agency would consider initiating rulemaking to determine whether the definition of ''driver'' in Part 571.3 should be updated in response to changing circumstances.

We note that the current ''driver'' definition is inextricably linked to the ''steering control system,'' which is defined in FMVSS No. 203, ''Impact protection for the driver from the steering control system,'' as ''the basic steering mechanism and its associated trim hardware, including any portion of a steering column assembly that provides energy absorption upon impact.'' Although this definition also presents regulatory challenges for ADS-equipped vehicles, the Google Interpretation did not address how NHTSA would interpret this term.

a. Approach to Driver Definition for This NPRM

The agency has tentatively decided that it will not revise the regulatory definition of ''driver'' found in 49 CFR 571.3 at this time. Instead, NHTSA proposes to maintain the current definition without change, but to augment this definition with other supporting or clarifying definitions to indicate when the FMVSS is referring to a human driver or an ADS for the purposes of this document and for clarifying the crashworthiness FMVSSs.

NHTSA has decided not to modify the regulatory definition of driver in this document for these primary reasons:

- The agency should consider holistically whether to and how best to update the term ''driver'' in 571.3, and doing so in a notice focused solely on the crashworthiness FMVSSs could cause issues with future FMVSS updates that they agency has planned. Such future updates may necessitate revisiting the 200 Series standards.
- The agency believes that updating the term ''driver'' is not ripe at this time and unnecessary due to the limited types of usage throughout the crashworthiness FMVSS and the potential complications making changes could cause for the crash avoidance FMVSS and standards that refer to telltales, warnings, and alerts.
- The agency should consider, if updating the term ''driver'', whether and how best to include a definition of the ADS in the regulatory text, which the agency expects would be a very complex process due to the types of references to ''driver'' in the FMVSS and the frequent terminology changes referencing ADS-equipped vehicles that the agency has witnessed over the past several years.
- This approach is consistent with input the agency received through the VTTI research program, which included feedback from expert researchers, industry stakeholders, and advocates.

While NHTSA has decided not to modify the definition of ''driver'' with this notice, it is considering doing so for future notices. Thus, the agency requests comment on various approaches that could be utilized in a holistic manner (*i.e.,* are there definitions the agency should consider that would properly cover the four types of uses of ''driver'' and derivatives of ''driver'' throughout the FMVSS). As noted above, NHTSA acknowledges that it may in the future be necessary for the agency to create new defined terms within the FMVSS such as ''ADS'' to clarify when the regulatory text is referring to a non-human entity controlling the vehicle. However, as this is not needed in the context of the changes that NHTSA is proposing in this document to make to the crashworthiness standards (which focus almost exclusively on the protection of humans), no such definition is proposed in this notice.

b. New, Modified and Relocated Definitions

While this NPRM does not propose changing the term ''driver'' itself or adding definitions of ''ADS,'' it does propose creating supplemental definitions of terms already used and amending driver-related definitions that exist in the current FMVSS. By defining or amending these terms, NHTSA hopes to clarify the application of crashworthiness FMVSS to ADS-equipped vehicles with minimal disruption to the existing regulatory text. The specific terms that exist in the FMVSS that the agency is proposing to define are ''driver dummy,'' ''driver air bag,'' ''driver's designated seating position,'' and ''passenger seating position.'' Our proposed definitions of these terms are shown below.

Driver air bag means the air bag installed for the protection of the occupant of the driver's designated seating position.[49]

Driver dummy means the test dummy positioned in the driver's designated seating position.[50]

Driver's designated seating position means a designated seating position providing immediate access to manually-operated driving controls.[51] As used in this part, the terms ''driver's seating position'' and ''driver's seat'' shall have the same meaning as ''driver's designated seating position.''

[47] *Available at http://isearch.nhtsa.gov/files/Google%20--%20compiled%20response%20to%2012%20Nov%20%2015%20interp%20request%20--%204%20Feb%2016%20final.htm.*

[48] The terminology being used in this document is Autonomous Driving System (ADS).

[49] Incorporates the definition of ''driver's designated seating position.''

[50] Incorporates the definition of ''driver's designated seating position.''

[51] Incorporates the definition of ''manually-operated driving controls.''

Passenger seating position means any designated seating position other than the driver's designated seating position. As used in this part, the term ''passenger seat'' shall have the same meaning as ''passenger seating position.'' As used in this part, ''passenger seating position'' means a driver's designated seating position with stowed manual controls.

NHTSA is also proposing to add the new term ''manually-operated driving controls'' which is not a term currently used in the FMVSS. NHTSA's proposed definition is shown below.

Manually-operated driving controls means a system of controls:

(1) That are used by an occupant for real-time, sustained, manual manipulation of the motor vehicle's heading (steering) and/or speed (accelerator and brake); and

(2) That are positioned such that they can be used by an occupant, regardless of whether the occupant is actively using the system to manipulate the vehicle's motion.

In subpart (2) the definition states that the controls must be positioned for use by the occupant, whether or not the occupant is actively manipulating them. This means that, if manually operated driving controls are in place in front of a given seating position, the occupant of that seating position is considered a ''driver'' for purposes of the FMVSS—regardless of whether an ADS is controlling the vehicle. In such a case, the seat would be considered a ''driver's designated seating position'' under the FMVSS.[52] Conversely, if controls are not present in front of a seating position, either because they are stowed or because the vehicle is not equipped with manually-operated driving controls, the occupant in that seating position is not a ''driver.'' In this case, the seating position would be considered a ''passenger seating position'' under the FMVSS. If dual-mode vehicles have the capability of stowing driving controls, NHTSA expects that manufacturers will need to certify compliance in both states (*e.g.,* manually-operated driving controls available and stowed).

Another proposed modified definition that would reference the new definition of ''manually-operated driving controls'' is the term ''steering control system,'' which is provided below.

Steering control system means the manually-operated driving control(s) used to control the vehicle heading and its associated trim hardware, including any portion of a steering column assembly that provides energy absorption upon impact. As used in this part, the term ''steering wheel'' and ''steering control'' shall have the same meaning as ''steering control system.''

The modification proposed here would modify the existing definition of ''steering control system,'' in FMVSS No. 203 to incorporate the proposed definition for ''manually-operated driving controls.'' We also propose relocating this definition to Part 571.3, and applying it to the terms ''steering wheel'' and ''steering control,'' which are not currently defined. However, we have tentatively determined these variations have the same meaning when used in the FMVSSs. Since these terms appear throughout the FMVSSs, specifying the definition for ''steering control system'' would clarify their meaning with respect to ADS and non-ADS vehicles with minimal disruption to the existing regulatory text.

NHTSA also proposes to clarify that the terms ''outboard seating position'' and ''outboard seat'' have the same meaning as used in the existing definition of ''outboard designated seating position.'' From our analysis of the regulatory text of the crashworthiness FMVSSs, we have tentatively determined these three terms have the same meaning. Therefore, to clarify this point, we have added language specifying that ''*outboard seating position*'' and ''*outboard seat*'' have the same meaning as ''outboard designated seating position.''

Finally, we are proposing to relocate the definition of ''row,'' which is currently located in FMVSS No. 226, to Part 571.3. We have proposed the use of this term in multiple standards (FMVSS Nos. 201, 206 and 208). Moving it to Part 571.3 will eliminate the need to insert a reference to its current location.

We are proposing that each of these new and modified definitions be added or moved to Part 571.3, and that they be applicable to every FMVSS in the interest of efficiency and consistency. Another option that the agency recognizes as a potential solution is to place the relevant definitions within each standard that utilized the defined term in order to avoid creating additional confusion or conflict in other FMVSSs, such as the crash avoidance standards (100 Series FMVSS). While these changes may not resolve the barriers in the crash avoidance FMVSSs, the agency intends to address those issues and others in future notices. This would be necessary if one or another of the definitions would create a conflict within some standard and the conflict could not be resolved in another way.

We seek comment on our proposals for new, modified, and relocated definitions, as well as the general approach and options described in this section. We also seek comment on whether the changes proposed in this section would create any definitional conflicts within the FMVSSs, such as causing additional, unintended confusion for manufacturers certifying to other FMVSSs not covered by this notice.

VI. Changes to the Regulatory Text of the Affected Standards

This section describes and explains the changes being proposed to the regulatory text of the affected standards. We have tentatively determined that no change is needed for FMVSS Nos. 202a, 209, 210, 212, 213, 217, 218, 219, 220, 221 and 222.[53] Rather than explaining each proposed change individually, which would be both cumbersome and repetitive, the agency has identified several categories of changes based on the substance of the change and its underlying justification. Because generic descriptions of the categories of changes may be difficult to grasp in the abstract, NHTSA explains each category of change using illustrative examples from the affected standards in the sections that follow.

Each subsection below covers the changes made to an individual crashworthiness standard affected by this proposal. In each subsection, we identify which category(ies) of changes we are proposing to the regulatory text of that standard, along with citations to the specific provisions that would be amended. The first time a category of change to the regulatory text is discussed, we provide a full and detailed description of what is being changed, and our reason for the change. When a category of change to the regulatory text appears again in subsequent standards, we cross reference back to the subsection in which the change category is described and explained. In addition, in certain instances where we have deemed appropriate, explanations are provided for why we do not believe a change to the regulatory text is needed.

The subsections are organized sequentially by standard number, except that the first standard addressed is

[52] We note that this means, in ADS–DV that has non-stowable manually-operated controls at a given seating position, NHTSA would consider that seating position to be a ''driver's designated seating position'' regardless of whether or not the ADS is driving the vehicle for the purposes of the crashworthiness standards.

[53] In addition, we have determined that no change is need for FMVSS Nos. 301, 302, 303, and 304. Any changes to FMVSS No. 305 will be discussed in future notices.

FMVSS No. 208. We decided to analyze FMVSS No. 208 first for the sake of clarity, since it has the greatest number and greatest variety of proposed changes to its text. The explanations below include tables comparing the original regulatory text with the proposed regulatory text to provide illustrative examples of each change category. In addition, to illustrate the precise changes that are being proposed within the context of the full regulatory text, we are providing in the docket for this rulemaking an appendix document that contains the full proposed regulatory text of each modified standard, with added text in blue underlined font and the deleted text in red strikethrough font. The proposed regulatory text modifications are provided in the end of this NPRM.

a. FMVSS No. 208; ''Occupant Crash Protection''

The purpose of FMVSS No. 208, Occupant crash protection, is to reduce the number of deaths and injuries to vehicle occupants in the event of a crash. To this end, FMVSS No. 208 specifies types and locations of seat belts and frontal air bags as well as crashworthiness requirements in terms of forces and accelerations on anthropomorphic dummies in test crashes. In specifying these crashworthiness requirements, FMVSS No. 208 assumes the presence of, and refers to, the driver's seating position and steering control. These assumptions make certification and compliance verification of ADS-equipped vehicles without these components difficult or impossible.

Below we identify the specific provisions of FMVSS No. 208 that we believe are potential barriers to the certification and compliance verification of an ADS-equipped vehicle, and we explain how we propose to revise those provisions to maintain the same level of performance currently required by the standard.

1. Application to Vehicles Without Designated Seating Positions

Currently, FMVSS No. 208 applies to all passenger cars, multipurpose passenger vehicles (MPVs), trucks, and buses. While most of these vehicle types carry ''persons,'' by definition, trucks do not. This means that because FMVSS No. 208 applies to all trucks, the standard would also apply to occupant-less trucks that have no designated seating positions (DSPs).[54] This creates a barrier to certification because the requirements of FMVSS No. 208 are linked to the existence of specified DSPs. For example, the advanced air bag crash test requirements are applied to the front outboard DSPs by virtue of S5.1.1 through S14.

Because occupant-less trucks would presumably have no DSPs, it is unclear how the test could be performed. NHTSA tentatively concludes that the safety need that supports the crashworthiness requirement of FMVSS No. 208 for the protection of vehicle occupants does not exist for occupant-less trucks. Accordingly, NHTSA is proposing to amend the application section of FMVSS No. 208 to apply only to trucks with DSPs.[55] Accordingly, we are proposing to modify S3. *Application* to specify that the standard applies to trucks only if they have at least one DSP, as shown below in Table VI–1. No other changes are proposed for the Application Section.

TABLE VI–1

Before Change
S3. *Application.* (a) This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.
After Change
S3. *Application.* (a) This standard applies to passenger cars, multipurpose passenger vehicles, trucks with at least one designated seating position, and buses.

We request comment on our proposed addition to the Application Section, changes not made and additional changes commenters believe to be necessary.

2. Textual Modifications Addressing That There May Be No Driver's Seat and Multiple Outboard Passenger Seats

The agency proposes to treat any seat that does not have immediate access to traditional manual controls (what we have defined as ''manually-operated driving controls'') as a passenger seat. This includes a seat located in the left front outboard position, where the driver's seat is typically located. NHTSA has tentatively concluded that the most practicable way to maintain occupant protection in ADS-equipped vehicles with no manual controls (and thus, with no driver's seat) is to require that all front outboard passenger seats meet the crash test performance requirements presently performed on the right front outboard passenger seat. For a passenger seat located in the left front outboard position, this would be done by mirroring the test procedures and requirements from the right side.

NHTSA believes this approach will maintain the level of occupant protection currently offered by compliance with FMVSS No. 208 because it merely extends existing requirements for the front right passenger position to all outboard front passenger positions, regardless of vehicle side, and it would not affect the occupant protection requirements for conventional vehicles. Moreover, this approach would not significantly impact the testing burden on manufacturers, since it simply requires that test labs follow procedures for the passenger dummy on both sides of the vehicle rather than the procedures for the driver and outboard passenger test dummy that would be used for a crash test of a conventional vehicle.[56]

To accomplish this change, we propose genericizing all references to ''passenger'' dummies by replacing the term with ''front outboard passenger'' dummy. An example of the type of change made is provided below in Table VI–2, from the general positioning of the arms of a crash test dummy. Previously, the passenger dummy was referred to in the singular. Now we are making clear that there may be more than one passenger dummy by the use of the phrase ''any front outboard passenger.'' The term ''any'' here is consistent with definition provide in Part 571.4.[57] Similar changes are made through the standard and are too many to mention.

[54] NHTSA acknowledges that the future implementation of occupant-less vehicles may be on vehicle platforms which do not appear to be what many would consider a ''truck.'' Nonetheless, the current definitions of ''truck'' in 571.3 is the only vehicle type definition, (*i.e.,* bus, multipurpose passenger vehicle, passenger car, and truck), that specifically covers vehicles designed to carry property and not ''persons.'' In response to requests from stakeholders, the agency is evaluating whether a new vehicle class may be necessary for certain delivery vehicles, including occupant-less ones.

[55] We note that there are some standards that are applicable to trucks that we have chosen not to specify that they only apply if a DSP is present because the standard is clearly only applicable to DSP location. One such example is FMVSS No. 202a. This clarification with respect to trucks is consistent with past agency practice in that, except for trucks, the application sections of the crashworthiness standards specify vehicle types that carry people. In addition, we believe that all current crashworthiness standards are specifically intended for the protection of occupants within the vehicle to which they apply.

[56] An exception to this would be if an outboard seat is eliminated, as is discussed in section VI.a.3.

[57] Part 571.4 provides that ''[t]he word *any,* used in connection with . . . a set of items in a requirement . . . means generally the totality of items . . . any one of which may be selected by the Administration for testing.''

TABLE VI–2

Before Change
S10.2.2 The passenger's upper arms shall be in contact with the seat back and the sides of the torso.
After Change
S10.2.2 Any front outboard passenger dummy's upper arms shall be in contact with the seat back and the sides of the torso.

3. The Treatment of Outboard Versus Center Seating Positions in the Front Row of Light Vehicles

For most light vehicles,[58] each outboard designated seating position, including the driver's seat, is required to have ''Type 2'' (lap and shoulder) seat belt assembly that conforms to FMVSS No. 209.[59] Moreover, the subset of light vehicles that have a GVWR of less than 3,855 kg (8,500 lb) and unloaded weight of 2,495 kg (5,500 lb) are statutorily required to have frontal air bag protection at the driver's and right front DSPs.[60] [61] Any center seating positions in these light vehicles are allowed to be equipped with lap belts. ADS-equipped vehicles without driving controls may not have a front left outboard DSP or for that matter, any outboard DSP. Seating position could be moved toward the center of the vehicle. In this case, conceivably an ADS-equipped vehicle could be constructed with no air bag or lap and shoulder seat belts, although the agency believes this would be highly unlikely. In the regulatory text changes proposed in this notice, the agency has not attempted to address the reduction in frontal crash protection that would occur if previous outboard DSPs in non-ADS vehicles become inboard/center DSPs in ADS-equipped vehicles. We request comment on whether the final rule should require air bag (including OOP protection) and lap/shoulder seat belt protection to these inboard seating positions, if outboard positions are removed. We also seek comment on implications of such designs upon the statutory obligation for frontal air bags.

[58] ''Light vehicles'' are vehicles with a gross vehicle weight rating (GVWR) less than 4,536 kilograms (kg) (10,000 pounds (lb)).

[59] Trucks and multipurpose passenger vehicles with a GVWR of more than 3,855 kg, but not greater than 4,536 kg, have compliance options involving crash tests, which relieve the requirement of providing Type 2 seat belts.

[60] Intermodal Surface Transportation Efficiency Act of 1991 on December 18, 1991 (Pub. L. 102–240).

[61] 58 FR 46551 (September 2, 1993).

4. Treatment of Advanced Air Bags

Under the proposed rule, any front outboard seating position that does not have manual controls would be considered a passenger seat, and would need to meet passenger seat occupant protection requirements. Accordingly, in an ADS–DV without manual controls, the front left outboard seating position (*i.e.,* the seating position that would typically be the driver's seat in a traditional vehicle), would need to meet passenger seat requirements. The regulatory requirements pertaining to frontal air bags for both the occupants of the driver's seat and passenger seat are commonly known as ''advanced air bag'' requirements. However, unlike a driver's seat, which must only meet adult occupant protection requirements, a passenger seat must meet both adult and child occupant protection requirements.

NHTSA seeks comment on whether it is necessary to apply passenger (child and adult) advanced air bag requirements to both front outboard seats in an ADS-equipped vehicle without manual controls because both of those seats would be available for child occupants.[62] (In a traditional vehicle, the occupant in the driver's seat is all but guaranteed to be an adult, making child advanced air bag protections unnecessary). In practice, this would mean that the advanced air bag protections that traditional vehicles currently provide on the right front outboard seat would be mirrored in the left. NHTSA seeks comment on alternative techniques to ensure children receive existing protection.

To apply passenger advanced air bag requirements to all front outboard seating positions, we have proposed to add the modifier ''any front outboard'' to the word ''passenger'' in the relevant sections of S19 through S24, S27 and S28. An example of this is provided below in Table VI–3.

TABLE VI–3

Before Change
S19.2.1 The vehicle shall be equipped with an automatic suppression feature for the passenger air bag which results in deactivation of the air bag during each of the static tests specified in S20.2 . . . .

TABLE VI–3—Continued

After Change
S19.2.1 The vehicle shall be equipped with an automatic suppression feature for any front outboard passenger air bag which results in deactivation of the air bag during each of the static tests specified in S20.2 . . . .

[62] Regardless of the presence of advanced air bags, NHTSA recommends that children not be placed in the front seat, if possible.

5. Advanced Air Bag Suppression Telltale for Passenger Air Bags

NHTSA seeks comment on amending the activation requirement for the advanced air bag suppression telltale required under FMVSS No. 208, S19.2.2 to eliminate references specifying a ''passenger air bag system.'' NHTSA has tentatively concluded that this change is necessary to permit the certification of ADS-equipped vehicles, which may have more than one passenger seat with an advanced air bag system. We wish to emphasize that, as noted earlier, this NPRM is not intended to address issues relating to telltales and warnings, and the change proposed here is not intended to indicate a policy position regarding the necessity or effectiveness of this or other telltales.

NHTSA seeks comment on requiring each front outboard passenger seat with a suppression-based advanced air bag system to have a unique telltale, so that occupants know which air bag is suppressed. This would maintain the current level of safety provided by the standard because the telltale's substantive performance criteria would remain the same, providing occupants with the same level of information about the status of each relevant air bag as the current standard. Table VI–4 shows the regulatory text changes related to the number of telltales. We note that S21.2.2 and S23.2.2 refer back to S19.2.2.

TABLE VI–4

Before Change
S19.2.2 The vehicle shall be equipped with at least one telltale which emits light whenever the passenger air bag system is deactivated and does not emit light whenever the passenger air bag system is activated, except that the telltale(s) need not illuminate when the passenger seat is unoccupied.

TABLE VI–4—Continued

After Change
S19.2.2 The vehicle shall be equipped with telltales for each front outboard passenger seat which emits light whenever the associated front outboard passenger air bag system is deactivated and does not emit light whenever the associated front outboard passenger air bag system is activated, except that the telltale(s) need not illuminate when the associated front outboard passenger seat is unoccupied.

6. Treatment of ADS Vehicles With Driving Controls When Children Are in the Driver's Seat

It is possible that some ADS-equipped vehicles will be equipped with manual driving controls and that the vehicle is designed for both driverless operation and operation by a conventional driver for complete trips (*i.e.,* dual-mode). In such vehicles, the seat where the manual controls are located would still be a driver's seat even when the ADS is engaged, and thus would be required to meet driver's seat occupant protection requirements. However, because such a vehicle could be capable of operation without a driver, it is possible that a child not old enough to drive could be placed in the driver's designated seating position. NHTSA believes this would be an inherently unsafe condition, particularly for smaller children, because the driver's seating position is not required to have crash protection for children or protection from the dangers of OOP air bag deployment.

To minimize the risk that a child could ride in a front DSP without the protections afforded by advanced air bags, NHTSA seeks comment on whether ADS-equipped vehicles that have manual controls should not be capable of motion if a child is detected in the driver's seat. This NPRM tentatively proposes that the following conditions would disallow vehicle motion: (1) The occupant of the seat is classified as a child, for which air bag suppression would be an option in a passenger seat, *i.e.,* up to a 6-year-old as determined by the same test procedures used by air bag suppression (S20, S22 and S24); and (2) the vehicle is an operational state that does not require a driver, *i.e.,* any situation where the ADS is under full control. An example of the new regulatory text to address this situation is provided in Table VI–5. Similar text has been added at S21.6 and S23.6.

In developing this proposal, NHTSA considered myriad situations that are not currently probable in traditional motor vehicles. The agency requests comment on whether disallowing vehicle motion in ADS-equipped dual-mode vehicles when a child is seated behind driving controls is the most appropriate option for handling what could be a potentially life-threatening situation to a child. NHTSA's core concern is the safety of all occupants, including children, and considers the potential risk to a child behind driving controls in a dual-mode ADS as both foreseeable and unacceptable. NHTSA also requests comment and technical information from industry on how they plan to protect children who may be seated behind driving controls in dual-mode vehicles. Additionally, the agency requests comment on if and how best NHTSA could conduct research to further explore how best to protect children who may be seated behind driving controls in dual-mode ADS-equipped vehicles.

TABLE VI–5

Before Change
No current regulatory text.
After Change
S19.5 *Motion suppression for vehicles with manually-operated driving controls that do not require a driver.* Each vehicle that is certified as complying with S14 shall not be capable of motion when a 12-month-old CRABI dummy is placed at the driver's seating position and the vehicle is in an operational state that does not require a driver.
S19.5.1 Motion suppression shall be assessed under the test procedures specified in S20.1 through S20.2, except that the 12-month-old CRABI dummy is placed in the driver's seating position and the result shall be an inability of engage vehicle motion.

7. Driver's Seat Used as a Spatial Reference

i. Buses

FMVSS No. 208, S4.4, addresses the belt and crash test requirements and options for buses, including school buses, of every weight class. In S4.4.1 through S4.4.5, the driver's DSP is used as a frame of reference, primarily for the installation of seat belts. Depending on the bus type and GVWR, the driver's DSP is required to either be outfitted with a Type 1 or 2 seat belt or meet a crash test option. As is the case with vehicles other than buses, the regulatory text must address when the driver's DSP is not present in an ADS-equipped vehicle. However, buses are unique in that the protection required for other vehicle seats depends on the location of the seat when compared to the location of the driver's DSP. For example, S4.4.3.2.1 specifies the belt requirements for ''any outboard designated seating position not rearward of the driver's.''

For ADS-equipped vehicles without driver's seats, a direct translation could be achieved by simply substituting ''left front outboard seat.'' However, ADS-equipped vehicles may not have a left front outboard seat, so the agency sees no inherent reason to reference the left outboard seat over the right front outboard seat in these vehicles. Therefore, for vehicles without a driver's seat, we propose to make references to both front row outboard seats, using the definition of ''row'' originally provided in FMVSS No. 226 and now being moved to Part 571.3. An example of this translation is provided below in Table VI–6, for school buses with a GVWR of 4,536 kg (10,000 lb) or less below. Similar changes can be found in S4.4.1 and S4.4.5.1.1.

An alternative to referencing the outboard seats in the front ''row'' would be to have more simply specified front outboard seats. One challenge to this would be that bus seating configuration can be somewhat unique, with offset seats in the same row. Thus, referencing the front ''row'' may in some cases provide additional clarity. In similar situations for other vehicle types, it may not be necessary to refer to ''row,'' but just front outboard seats.

We also seek comment on whether modifying the text below to reference only the front row, even in cases where a school bus has a driver's DSP, is a viable option without any significant negative effect.

TABLE VI–6

Before Change
S4.4.3.2.1 The driver's designated seating position and any outboard designated seating position not rearward of the driver's seating position shall be equipped with a Type 2 seat belt assembly.
After Change
S4.4.3.2.1 The driver's designated seating position and any outboard designated seating position not rearward of the driver's seating position shall be equipped with a Type 2 seat belt assembly. For a school bus without a driver's designated seating position, the outboard designated seating positions in the front row of seats shall be equipped with Type 2 seat belt assemblies.

For all buses with a GVWR of more than 4,536 kg (10,000 lb), but not greater than 11,793 kg (26,000 lb) and school buses with a GVWR of greater than 11,793 kg (26,000 lb), only the driver's seating position is required to be

outfitted with a Type 1 or 2 seat belt or meet a crash test option. Seat belts provide protection in most types of crashes by keeping occupants within the vehicle and close to their original seating position, provide ''ride-down'' by gradually decelerating the occupant as the vehicle deforms and absorbs energy, and, if possible, prevent occupants from contacting harmful interior surfaces or one another.[63] NHTSA is primarily concerned with ensuring safety, and requests comment on how best the agency can ensure that occupants receive the same protections they receive today. For ADS-equipped buses mentioned above, without a driver's seat, NHTSA believes there are several distinct approaches to apply the protection requirements currently in this standard. First, NHTSA seeks comment on requiring all front seats have seat belts. Second, NHTSA seeks comment on requiring the right front outboard seating position to have a seat belt. Third, NHTSA requests comment on requiring at least one front passenger seat meet the required protections. Finally, NHTSA seeks comment on compartmentalization as a barrier to ejection, such as is required for passengers of school buses with a GVWR of more than 4,536 kg (10,000 lb). NHTSA tentatively proposes that all front passenger seats meet the protection requirements that must currently be met by the driver's seat in order to maintain the safety need inherent within the current requirement for a seat belt. While NHTSA proposes this particular option, the agency notes that any or none of the abovementioned options could be selected depending on stakeholder feedback.

Larger buses may only have a single front DSP, *i.e.,* the driver's seat, with the right front area being taken by access to the passenger rows. Thus, in these configurations there is no other front passenger to protect. As we stated above, an ADS-equipped bus may not have a left front outboard seat at all, but may have multiple front passenger seats. We cannot meaningfully predict where any front passenger seat might be in an ADS-equipped bus. Therefore, the proposal above aims to offer seat belt protection to all front passengers, in the interest of assuring that any front passenger in ADS vehicles, regardless of lateral seat location, would have an available seat belt. Our rationale is there is likely a similar safety risk in all front row seats and that the prediction of where an individual might sit in the front row is likely to change in ADS-equipped vehicles, rather than permitting manufacturers to arbitrarily choose which front row occupant receives the protection of a seat belt.

Even so, the agency initially considered requiring a seat belt for a single front passenger in these buses, because doing so maintains the level of performance and protection currently required for non-ADS vehicles. Our reasoning was that any single vehicle occupant could choose to sit in the single seat location equipped with a belt, even if only one belted position were provided. We assume that if they chose to sit at a front seat location without a seat belt, they would either not be interested in wearing a seat belt, were not aware that a seat belt equipped DSP were present, or all other seats were taken. We think that lack of awareness of a seat belt is unlikely, due to the visibility of seat belts, although we have not studied this circumstance. We seek comment on whether it would be more appropriate to require seat belts at only one DSP, rather than at all front passenger seating position. Vehicles with a driver's seat would continue being treated as they always have. These proposed changes can be found in S4.4.4.1.2, S4.4.4.2 and S4.4.5.3. We note that S4.4.4.1.1, which refers to a regulatory option for complete passive protection that to the agency's knowledge has never been used, is not being modified in this proposal. We seek comment on the need to modify this seldom used regulatory option.

ii. Dummy Placement in Bench Seats

In light vehicles, the driver's seat and the dummy placed there also provides a spatial reference point for the lateral positioning of the dummy in the outboard passenger seat on the other side of the vehicle. Currently, the passenger dummy is placed at the same lateral distance as the driver dummy from the vehicle longitudinal centerline. The driver is positioned by centering on the center of rotation of the steering control. When the driver reference is absent, as will be the case in ADS vehicles without driving controls, an alternative must be found for positioning of the passenger dummies. There are multiple approaches to this issue. One method would be to use the centerline of the head restraint on the left side or both sides of the vehicle. If just done on the left side, the right outboard passenger positioning would again use the left seat as a frame of reference. We have tentatively decided against this option because head restraints can sometimes be asymmetric. Instead, we are proposing to position both outboard passenger dummies by using the seating reference point of the DSP where they are located. We are no longer using the left outboard dummy position as a reference for the right outboard dummy, although, we would expect symmetry in most cases. This proposed approach ensures that there are available and easy-to-understand spatial references, regardless of front seat configuration in an ADS–DV. An example of this change is provided in Table VI–7, below. Other examples can be found in S10.4.1.1, S20.2.1.4, S20.2.2.3, S20.4.4, S22.2.1.3, S22.2.2.1, S22.2.2.3, S22.2.2.4, S22.2.2.5, S22.2.2.6, S22.2.2.7 and S24.2.3.

We ask for comment on whether the text associated with a driver's DSP could be deleted without any significant effect.

TABLE VI–7

Before Change
S16.3.3.1.4 *Bench seats.* Position the midsagittal plane of the dummy vertical and parallel to the vehicle's longitudinal centerline and the same distance from the vehicle's longitudinal centerline, within ±10 mm (±0.4 in), as the midsagittal plane of the driver dummy.
After Change
S16.3.3.1.4 *Bench seats.* Position the midsagittal plane of the dummy vertical and parallel to the vehicle's longitudinal centerline and the same distance from the vehicle's longitudinal centerline, within ±10 mm (±0.4 in), as the midsagittal plane of the driver dummy, if there is a driver's seating position. Otherwise, the midsagittal plane of any front outboard passenger dummy shall be vertical, parallel to the vehicle's longitudinal centerline, and pass, within ±10 mm (±0.4 in), through the seating reference point of the seat that it occupies.

iii. Left Versus Right Vehicle Side

In the performance of certain tests, specific steps in the vehicle preparation reference the driver's side of the vehicle. In S13.3, the sill of the vehicle on the driver's side is leveled. In this case, NHTSA believes that with a simple direct translation of ''left side'' there is no loss in meaning and the test can be performed just as effectively and achieve the same safety goal. The agency requests comment on whether stakeholders agree that this option will result in the same performance outcome.

8. Direct Translations

In some situations, a simple direct change from ''driver'' to ''front left outboard'' in the regulatory text is appropriate since there is no loss in meaning and the requirement or test

[63] DOT HS 812 069, January 2015.

procedure being specified can be described or performed just as effectively and achieve the same safety outcome. Such a situation occurs in S16.2.10.3. In this example, the adjustment made to the driver's seat also controls the passenger seat, such as is the case with a bench seat. NHTSA does not believe there will be any unwanted implications of the front left outboard seat adjustment of an ADS vehicle controlling the positioning of a bench seat, as opposed to the right front seat. We note that if the front left outboard seat does not exist, the regulatory text is still viable as it is currently written.

TABLE VI–8

Before Change
S16.2.10.3 *Seat position adjustment.* If the passenger seat does not adjust independently of the driver seat, the driver seat shall control the final position of the passenger seat.
After Change
S16.2.10.3 *Seat position adjustment.* If the front right outboard passenger seat does not adjust independently of the front left outboard seat, the front left outboard seat shall control the final position of the front right outboard passenger seat.

9. Minor Editorial Revisions

At every occurrence of the term ''steering wheel,'' we have substituted the term ''steering control.'' These terms are synonymous as can be seen by the definition of ''steering control system.'' Nonetheless, the agency believes there is some merit in changing ''wheel'' to ''control'' in consideration of steering controls that may not be circular, *e.g.,* shaped more like an air plane yoke control. We note that such systems would have both a ''hub'' about which they turn and a rim, *i.e.,* an outer edge. A similar change was made in every FMVSS that is the subject of this NPRM.

10. Regulatory Text Not Modified Due to Non-Active Requirements

Various sections of the regulatory text of FMVSS No. 208 are no longer active because they have been superseded by revisions NHTSA has made over the years. NHTSA has tentatively decided to only provide translated regulatory text for active sections. However, even though a particular section may state its applicability is outdated for a particular vehicle type, this same section may be referenced for another vehicle type still in production. Therefore, care needs to be taken in determining which sections need not be translated. Table VI–9 lists the sections that make some reference to ''driver'' or ''steering wheel/control,'' but have not been updated through this document since they are no longer active. The form of the translation that would have been required to these sections, if any, has not be determined. NHTSA seeks comment on whether this is the correct approach.

TABLE VI–9

Section for Which No Translation Has Been Provided
S4.1.3.4(a)(1) and (2), S4.1.4.1, S4.1.5.2.1, S4.1.5.3, S4.2.1.2(b), S4.2.5.4(c), S4.2.5.5(a)(1) and (2), S4.2.6.1.1, S4.2.6.2, S4.5.3.3(b)(B), S4.5.4.1(b)(2), S4.5.4.2.

b. FMVSS No. 201; Occupant Protection in Interior Impacts

FMVSS No. 201 sets out performance requirements to protect occupants from injury due to impact with interior surfaces. Many of these requirements state that certain defined areas of the vehicle's interior must provide a minimum level of protection when impacted by a test device. Currently, the standard describes many of these defined impact areas with references to the driver's seating position and steering control.

We propose to amend FMVSS No. 201 to permit the certification of vehicles without a driver's seat or steering controls. The proposed changes are described below.

1. Application Section

NHTSA proposes to modify the application section (S2) so that the standard would apply to trucks only if they have at least one DSP. As discussed in the portion of this document focused on FMVSS No. 208, the rationale behind this modification rests primarily on lack of clarity on how to test and concerns about the necessity of testing occupant-less trucks to this standard, as they would have no occupants or DSPs. Additionally, NHTSA tentatively concludes that the safety need that supports the crashworthiness requirement of FMVSS No. 201 for the protection of vehicle occupants does not exist for occupant-less trucks. Accordingly, NHTSA has tentatively decided to propose amending the application section of FMVSS No. 201 to apply only to trucks with DSPs.[64]

2. Modifications To Address That There May Be No Driver's Seat and Multiple Outboard Passenger Seats

Sections S5.1, S5.1.2, and S8.24 would be modified to allow multiple front outboard passengers. (See explanation in section VI.a.2.)

3. Driver's Seat Used as Spatial Reference

NHTSA proposes to modify definitions for ''A-pillar;'' ''B-pillar;'' and ''pillar'' in S3, and the partial carve-out in S6.3(b) for altered vehicles and vehicles manufactured in multiple stages to use ''the most rearward designated seating position in the forward row'' as a reference point (instead of the ''driver's seat) to describe a spatial plane. (See explanation in section VI.a.7.i.) For the exclusion for multistage vehicles provided in S6.3(a), we note that specifying the rearmost seating reference point is consistent with the excluded area for non-multistage vehicles. However, the excluded area might be larger if the forward most seating reference point were used as a reference. Whether the excluded area would be larger or smaller than a vehicle with a driver's seat would depend on the relative position of the driver's seat. We seek comment on whether the excluded area should be more or less inclusive for multistage vehicles and the means to achieve any suggested recommendation.

TABLE VI–10

Before Change
A-pillar means any pillar that is entirely forward of a transverse vertical plane passing through the seating reference point of the driver's seat.
After Change
A-pillar means any pillar that is entirely forward of a transverse vertical plane passing through the seating reference point of the driver's designated seating position or, if there is no driver's designated seating position, any pillar that is entirely forward of a transverse vertical plane passing through the seating reference point of the rearmost designated seating position in the front row of seats.

4. Steering Control Used as a Spatial Reference

NHTSA proposes to modify Section S5.1.1(d), which states that S5.1 does not apply to certain areas of the

[64] As noted above, there are some standards that are applicable to trucks that we have chosen not to specify that they only apply if a DSP is present because the standard is clearly only applicable to DSP location. One such example is FMVSS No. 202a, which specifies the requirements for head restraints depending on the seating position, *e.g.,* front outboard. Thus, if there are no seating positions, such as could be the case for a occupant-less vehicle, the restraint requirements do not apply.

instrument panel that are bounded by the inboard edge of the steering control, so that it would apply only if a steering wheel is present. This change would clarify that S5.1.1(d) would not apply on a vehicle without a steering control.

c. FMVSS No. 203; Impact Protection for the Drivers From the Steering Control System, and FMVSS No. 204; Steering Control Rearward Displacement

NHTSA proposes modifying the Application section (S2) of FMVSS No. 203 and the Application section (S2) of FMVSS No. 204 to state that the standards do not apply to vehicles without steering controls. The agency believes that these proposed changes would not reduce vehicle safety because, if there is no steering control present at the seating position where the driver's seat would normally be located, that seating position would become a passenger seat that is still subject to the protection afforded by the requirements of FMVSS No. 201.[65]

We note that this approach addresses multiple RFC comments. As discussed in the comment summary, some commenters seemed to believe that this standard simply would not apply to ADS–DVs without traditional manual controls, while others requested that NHTSA clearly indicate the applicability of this standard to these vehicles in the regulatory text. Some manufacturers have petitioned NHTSA for an exemption from FMVSS Nos. 203 and 204, which indicates that some companies may be unsure of whether these standards were if-equipped standards or included a requirement to equip vehicles with steering control systems. In developing a solution for resolving these ambiguities, NHTSA also assessed whether elimination of this standard for vehicles without steering controls, *i.e.* ADS-equipped vehicles without traditional manual controls, will maintain the level of crashworthiness protection among vehicles with or without ADS functionality. We have tentatively concluded that safety will be maintained due to the modifications that we have made to other standards to ensure the protection of that occupant (especially the changes proposed for FMVSS Nos. 201 and 208).

In addition to the change in applicability, we propose to move the definition of ''steering control system'' in FMVSS No. 203 to Part 571.3, as we discussed above in section V.b.

d. FMVSS No. 205; Glazing Materials

NHTSA proposes modifying the Application Section (S3) so that the standard would apply to trucks only if they have at least one DSP for the reasons discussed in previous sections of this notice. In particular, see the discussions of this issue in the FMVSS No. 208 and FMVSS No. 201 sections. (See explanation in sections VI.a.1 and VI.b.1.) No other changes are proposed.

e. FMVSS No. 206; Door Locks and Door Retention Components

NHTSA proposes modifying the Application Section (S2) so that the standard would apply to trucks only if they have at least one DSP for the reasons discussed in previous sections of this notice. In particular, see the discussions of this issue in the FMVSS No. 208 and FMVSS No. 201 sections. (See explanation in sections VI.a.1 and VI.b.1.)

This NPRM also proposes to modify the definitions for ''side front door'' and ''side rear door,'' which use the ''driver's seat back'' as a spatial frame of reference, so that they can also apply to vehicles without a driver's seat. (See explanation in section VI.b.1.)

The test procedure step in S5.1.1.4, would be modified to replace a reference to the ''driver's side'' of the vehicle with ''left side.''[66] (See explanation in section VI.a.7.iii.) We note that, since both sides of the vehicle are tested, ADS and non-ADS vehicles would continue to be subject to identical testing requirements.

f. FMVSS No. 207; Seating Systems

NHTSA proposes modifying the Application Section (S2) so that the standard would apply to trucks only if they have at least one DSP for the reasons discussed in previous sections of this notice. In particular, see the discussions of this issue in the FMVSS No. 208 and FMVSS No. 201 sections. (See explanation in sections VI.a.1 and VI.b.1.)

NHTSA proposes to modify the requirement that a vehicle have a driver's seat (S4.1) to specify that a driver's seat would be required only for vehicles with manually-operated driving controls. This leaves unchanged the requirement of S4.1 for non-ADS vehicles. By virtue of the new definition of driver's seat (driver's designated seating position) and manually-operated driving controls, a driver's seat must have immediate access to such controls. Therefore, the proposed addition to S4.1 would clarify that a vehicle equipped with ADS without traditional driving controls need not have a driver's seat. However, an ADS-equipped vehicle with driving controls would still need to have a driver's seat.

g. FMVSS No. 214; Side Impact Protection

The proposed translations to FMVSS No. 214 match closely with the proposed changes to FMVSS No. 208. Like FMVSS No. 208, FMVSS No. 214 currently applies to all trucks, including occupant-less trucks that have no DSPs. Because occupant-less trucks would presumably have no DSPs, it is unclear how the dynamic side impact crash tests could be performed and whether the safety need of FMVSS No. 214 supports the requirements of the standard for the protection occupants in an occupant-less truck. Therefore, NHTSA proposes amending the application section of FMVSS No. 214 to apply only to trucks with DSPs. Additionally, as with FMVSS No. 208, NHTSA proposes clarifying that there may be multiple front outboard passengers by using the phrase ''any front outboard passenger.'' NHTSA also proposes clarifying the test dummy positioning on bench seats by using the seating reference point of the DSP where they are located. Finally, NHTSA proposes clarifying that the ''driver's side'' now means the vehicle left side for spatial reference purposes. Table VI–11 below, provides the types of translations, the regulatory text section with examples of the change and the section number or this NPRM where a more detailed explanation of the change can be found.

[65] We note that, because most vehicles to which FMVSS No. 203 applies are not required to be equipped with air bags, NHTSA believes that a passenger seat that meets FMVSS No. 201 may provide equal or greater occupant protection than a driver's seat that is equipped with steering controls that meet FMVSS No. 203. In the absence of air bags, NHTSA believes that a passenger seat that has no steering controls would be safer than a driver's seat with a FMVSS No. 203-compliant steering column, because the presence of a steering column could itself increase risk of injury due to its proximity to the driver in a crash.

[66] We note that an identical test step is performed on the ''opposite'' side of the vehicle.

TABLE VI–11—TYPES OF TRANSLATIONS MADE IN FMVSS NO. 214

Type of translation	Example section	Explanation
Clarification of Application Section	S2	See sections VI.a.1VI.b.1.
Clarification that there may be multiple front outboard passengers, by the use of ''any''.	S12.3.1(d)	See section VI.a.2.
Clarification of test dummy positioning on bench seats.	S12.1.2(1)	See section VI.a.7.ii.
Translation of driver's side to vehicle left side for spatial reference.	S10.2	See section VI.a.7.iii.

h. FMVSS No. 216a; Roof Crush Resistance

NHTSA proposes to modify the Application Section (S3) so that the standard would apply to trucks only if they have at least one DSP for the reasons discussed in previous sections of this notice. In particular, see the discussions of this issue in the FMVSS No. 208 and FMVSS No. 201 sections. (See explanation in section VI.a.1 and VI.b.1.)

NHTSA proposes to modify the procedures for setting up the vehicle for testing in S7.1 to reference the left side and right side of the vehicle rather than the driver's side and passenger's side. (See explanation in VI.a.7.iii.)

i. FMVSS No. 225; Child Restraint Anchorage Systems

NHTSA proposes to modify the definition of ''shuttle bus'' to clarify that if the bus does not have a driver's seat, it meets the definition of a shuttle bus if it has only one row of forward-facing seating positions rearward of the front row, rather than only one row of forward-facing seating positions rearward of the driver's seat. Thus, the front row is used as the frame of reference rather than the driver's seat, when there is no driver's seat. (See explanation in section VI.a.7.i.)

j. FMVSS No. 226; Ejection Mitigation

NHTSA proposes to modify the Application Section (S2) so that the standard would apply to trucks only if they have at least one DSP for the reasons discussed in previous sections of this notice. In particular, see the discussions of this issue in the FMVSS No. 208 and FMVSS No. 201 sections. (See explanation in sections VI.a.1 and VI.b.1.)

The existing definition of ''modified roof'' (in S3) uses the term ''driver's compartment.'' This is a definition that provides an exclusion from the standard for vehicles with ''modified roofs.'' NHTSA proposes to make a simple substitution of ''occupant compartment.'' We note that this change is not specific to vehicles without drivers, but will affect all vehicles to which this standard applies. However, we expect that it will not have any substantive effect on non-ADS vehicles, *i.e.,* we expect that the driver's compartment and the occupant compartment will identical. Thus, NHTSA does not expect or intend additional vehicles to be excluded from the standard, but seeks comment on whether this is accurate.

S6.1(d) and (f) include test procedure requirements that reference ''driver door sill'' for vehicle setup. NHTSA proposes to simply change those references to ''left front door sill,'' similar to what was explained in VI.a.7.iii.

k. Regulatory Text Related to Parking Brake and Transmission Position

The crash tests required by the 200 Series standards, in general, do not require manually driving controls in order to conduct the tests. For example, in the full frontal test of FMVSS No. 208 the vehicle is towed down a test track and guided by a rail into a rigid barrier. There is no need to use the vehicle controls to steer the vehicle or control the impact speed. This does require the vehicle to have the vehicle transmission in neutral and no brakes applied. In contrast, the moving deformable barrier side crash test in FMVSS No. 214 requires the vehicle to be stationary, with the parking brake applied. In fact, multiple 200 (FMVSS Nos. 208, 214, and 212) and 300 (FMVSS Nos. 301, 303, and 305) Series standards include regulatory text that dictates the status of the vehicles parking brake and transmission. However, in some instances, this detail is left for the Compliance Test Procedure that accompanies the regulatory text. NHTSA realizes that for vehicles without driver-accessible parking brakes or transmission selectors, how to properly prepare the vehicle for testing may not be immediately obvious. However, this situation is not totally unique or novel even for conventional non-ADS vehicles. NHTSA has tested vehicles with automatic electronic parking brakes and electronic gear selectors, which may make it challenging to place the vehicle transmission and brake into the pre-test position. In these instances, NHTSA and its testing laboratories have worked with the vehicle manufacturers to achieve the necessary vehicle status. Thus, we are not currently proposing any regulatory text changes related to interfacing with ADS-equipped vehicles on pre-test brake and transmission status since the important element is whether the transmission is in the proper gear and whether the pre-test brake is activated—not the manner in which this state is achieved. NHTSA expects that manufacturers will provide the means for the agency to achieve the necessary brake and transmission status, if only for compliance testing purposes. We seek comment on the validity or our assumption and the proposed approach.

VII. Cost Impacts of This Modernization Effort

A Preliminary Regulatory Impact Analysis (PRIA) can be found in the docket for this NPRM. A summary of the PRIA findings are provided below. The agency solicits comment on the PRIA. NHTSA calculated the impact of the proposed rule on costs by analyzing production cost savings arising from forgoing the installation of manual steering controls. These cost savings are partially offset by incremental costs associated with augmenting safety equipment in the left front seating position to make that position equivalent to the right front seating position, *i.e.,* when what would have previously been a driver's seating position would become a passenger seating position in an ADS–DV without manual controls.

Monetized estimated per-vehicle cost impacts (2018 dollars) are presented by discount rate in Table VII–1 below based on a scenario presented by the Energy Information Administration [67] (EIA), in which ADS–DVs represent 31

[67] Chase, N., Maples, J., and Schipper, M. (2018). *Autonomous Vehicles: Uncertainties and Energy Implications.* Issue in Focus from the *Annual Energy Outlook 2018.* Washington, DC: U.S. Energy Information Administration. Available at *https://www.eia.gov/outlooks/aeo/av.php* (last accessed October 22, 2019).

percent of the share of new light-duty vehicle sales in the year 2050.

TABLE VII–1: SUMMARY OF NET PER-VEHICLE COST IMPACT ESTIMATES

[ADS–DV cost impacts in 2050, 2018 dollars]

Discount rate	Mean cost impact	5th- to 95th-percentile cost impacts
3%	−$398	−$255 to −$540.
7%	−$122	−$78 to −$166.

The ranges of estimates were identified within an uncertainty analysis addressing uncertainty in the average level of cost savings that would be achieved by ADS–DV manufacturers. The uncertainty analysis centered on identifying plausible ranges of the per-vehicle cost savings, with corresponding assumptions regarding the distributions of values across each range (*i.e.,* the likelihood of observing a particular value). The uncertainty analysis generated 50,000 simulated outcomes, across which the mean and percentile values reported in Table VII–2 were identified. In addition to the above ranges of estimates, the agency performed a sensitivity analysis in which 30 percent of ADS–DV sales in 2050 are comprised of dual-mode vehicles. See the PRIA for the results of that analysis.

We request comment on this approach to representing the range of estimated impacts under uncertainty.

NHTSA assumed that light-duty vehicle sales would follow the identical baseline path specified in the Preliminary Regulatory Impact Analysis for the Safer Affordable Fuel-Efficient Vehicle rule[68] through 2032 (the last year specified in the baseline), and then would continue to grow at the average annual growth rate in the baseline from 2028–2032 (approximately 0.2 percent per year) for each year after 2032, growing to 18.7 million new light-duty vehicles sold in 2050. NHTSA assumed that the share of new light-duty vehicle sales comprised of ADS–DVs would reach 31 percent in the year 2050, based on the EIA scenario described above;[69] thus, new ADS–DV sales in 2050 are assumed to be equal to 31 percent of 18.7 million, or 5.8 million. Based on these assumptions, NHTSA estimates that the proposed rule would save ADS–DV manufacturers and consumers approximately $2.3 billion in the year 2050 (fifth-percentile estimate of $1.5 billion and 95th-percentile estimate of $3.1 billion) when discounting back to 2019 at a three-percent discount rate. At a seven-percent discount rate, the proposed rule is estimated to save ADS–DV manufacturers and consumers approximately $0.7 billion in the year 2050 (fifth-percentile estimate of $0.5 billion and 95th-percentile of $1.0 billion).

TABLE VII–2: SUMMARY OF TOTAL MONETIZED ANNUAL NET COST IMPACT ESTIMATES

[ADS–DV cost impacts in 2050, billions of 2018 dollars]

Discount rate	Mean cost impact	5th- to 95th-percentile cost impacts
3%	−$2.3	−$1.5 to −$3.1.
7%	−$0.7	−$0.5 to −$1.0.

VIII. Regulatory Notices and Analyses

a. Executive Order 13771

This proposed rule is expected to be an Executive Order 13771 deregulatory action. Details on the estimated cost savings of this proposed rule can be found in the preamble's discussion on cost impacts and in the accompanying supporting document providing further discussion in the docket for this NPRM.

b. Executive Order 12866, Executive Order 13563, and DOT Regulatory Policies and Procedures

Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), as amended by Executive Order 13563, ''Improving Regulation and Regulatory Review'' (76 FR 3821, January 21, 2011), provides for making determinations whether a regulatory action is ''significant'' and therefore subject to OMB review and to the requirements of the Executive Order. The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

- Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;
- Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This action was reviewed by the Office of Management and Budget under E.O. 12866. This action is a significant regulatory action within the meaning of E.O. 12866 and under the Department of Transportation's regulatory policies and procedures (44 FR 11034, February 26, 1979).

This action is significant because it raises the novel legal and policy issues surrounding the regulation of vehicles equipped with ADS and is the subject of much public interest. The cost savings of this deregulatory proposal are described in the preamble and discussed in greater detail in the accompanying cost savings document included in this docket.

c. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency is required to publish a notice of proposed rulemaking or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small governmental jurisdictions). The Small Business Administration's regulations at 13 CFR part 121 define a small business, in part, as a business entity ''which operates primarily within the United States.'' (13 CFR 121.105(a)(1)). No regulatory flexibility analysis is required if the head of an agency certifies the proposal will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a proposal will not have a significant economic impact on a substantial number of small entities.

This action proposes amendments to and clarifies the application of existing occupant protection standards to vehicles equipped with ADS that also lack traditional manual controls. This proposed rule would apply to small motor vehicle manufacturers who wish to produce ADS without manual controls and with conventional seating arrangements (*i.e.,* forward-facing, front row seats). NHTSA analyzed current small manufacturers and current small ADS developers in detail in the PRIA, and found that none of the entities listed in the analysis would be impacted by this proposal. Thus, I hereby certify

[68] *https://www.nhtsa.gov/corporate-average-fuel-economy/safe* (last accessed October 22, 2019).

[69] Chase, N., Maples, J., and Schipper, M. (2018). *Autonomous Vehicles: Uncertainties and Energy Implications.* Issue in Focus from the *Annual Energy Outlook 2018.* Washington, DC: U.S. Energy Information Administration. Available at *https://www.eia.gov/outlooks/aeo/av.php* (last accessed October 22, 2019).

that this proposed rule would not have a significant economic impact on a substantial number of small entities. Additional details related to the basis of this finding can be found in the PRIA for this rulemaking proposal.

d. Executive Order 13132 (Federalism)

NHTSA has examined this proposal pursuant to Executive Order 13132 (64 FR 43255, August 10, 1999) and concluded that no additional consultation with States, local governments or their representatives is mandated beyond the rulemaking process. The agency has concluded that the rulemaking will not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The proposal will not have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

NHTSA rules can preempt in two ways. First, the National Traffic and Motor Vehicle Safety Act contains an express preemption provision: When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. 49 U.S.C. 30103(b)(1). It is this statutory command by Congress that preempts any non-identical State legislative and administrative law addressing the same aspect of performance.

The express preemption provision described above is subject to a savings clause under which ''[c]ompliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law.'' 49 U.S.C. 30103(e). Pursuant to this provision, State common law tort causes of action against motor vehicle manufacturers that might otherwise be preempted by the express preemption provision are generally preserved. However, the Supreme Court has recognized the possibility, in some instances, of implied preemption of such State common law tort causes of action by virtue of NHTSA's rules, even if not expressly preempted. This second way that NHTSA rules can preempt is dependent upon there being an actual conflict between an FMVSS and the higher standard that would effectively be imposed on motor vehicle manufacturers if someone obtained a State common law tort judgment against the manufacturer, notwithstanding the manufacturer's compliance with the NHTSA standard. Because most NHTSA standards established by an FMVSS are minimum standards, a State common law tort cause of action that seeks to impose a higher standard on motor vehicle manufacturers will generally not be preempted. However, if and when such a conflict does exist—for example, when the standard at issue is both a minimum and a maximum standard—the State common law tort cause of action is impliedly preempted. See *Geier* v. *American Honda Motor Co.,* 529 U.S. 861 (2000).

Pursuant to Executive Orders 13132 and 12988, NHTSA has considered whether this proposal could or should preempt State common law causes of action. The agency's ability to announce its conclusion regarding the preemptive effect of one of its rules reduces the likelihood that preemption will be an issue in any subsequent tort litigation.

To this end, the agency has examined the nature (*e.g.,* the language and structure of the regulatory text) and objectives of this proposal and finds that this proposal, like many NHTSA rules, would prescribe only a minimum safety standard. As such, NHTSA does not intend that this proposal preempt state tort law that would effectively impose a higher standard on motor vehicle manufacturers than that to be established by this proposal. Establishment of a higher standard by means of State tort law would not conflict with the minimum standard announced here. Without any conflict, there could not be any implied preemption of a State common law tort cause of action.

e. Executive Order 12988 (Civil Justice Reform)

When promulgating a regulation, Executive Order 12988 specifically requires that the agency must make every reasonable effort to ensure that the regulation, as appropriate: (1) Specifies in clear language the preemptive effect; (2) specifies in clear language the effect on existing Federal law or regulation, including all provisions repealed, circumscribed, displaced, impaired, or modified; (3) provides a clear legal standard for affected conduct rather than a general standard, while promoting simplification and burden reduction; (4) specifies in clear language the retroactive effect; (5) specifies whether administrative proceedings are to be required before parties may file suit in court; (6) explicitly or implicitly defines key terms; and (7) addresses other important issues affecting clarity and general draftsmanship of regulations.

Pursuant to this Order, NHTSA notes as follows. The preemptive effect of this proposed rule is discussed above in connection with E.O. 13132. NHTSA notes further that there is no requirement that individuals submit a petition for reconsideration or pursue other administrative proceeding before they may file suit in court.

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

Executive Order 13045, ''Protection of Children from Environmental Health and Safety Risks,'' (62 FR 19885; April 23, 1997) applies to any proposed or final rule that: (1) Is determined to be ''economically significant,'' as defined in E.O. 12866, and (2) concerns an environmental health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If a rule meets both criteria, the agency must evaluate the environmental health or safety effects of the rule on children, and explain why the rule is preferable to other potentially effective and reasonably feasible alternatives considered by the agency.

This proposed rule is not expected to have a disproportionate health or safety impact on children. Consequently, no further analysis is required under Executive Order 13045.

g. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, ''Promoting International Regulatory Cooperation,'' promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. NHTSA has analyzed this proposed rule under the policies and agency responsibilities of Executive Order 13609, and has determined this proposal would have no effect on international regulatory cooperation.

h. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This proposed rule imposes no new reporting requirements on manufacturers.

i. National Technology Transfer and Advancement Act

Under the National Technology Transfer and Advancement Act of 1995 (NTTAA) (Pub. L. 104–113), ''all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.'' 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 standards bodies, such as SAE. The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

Pursuant to the above requirements, the agency conducted a review of voluntary consensus standards to determine if any were applicable to this proposed rule. NHTSA searched for but did not find voluntary consensus standards directly applicable to the amendments proposed in this NPRM. Neither is NHTSA aware of any international regulations of Global Technical Regulation (GTR) activity addressing the subject of this proposal.

j. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires federal agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually (adjusted for inflation with base year of 1995). Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires the agency to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the agency to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the agency publishes with the final rule an explanation of why that alternative was not adopted.

Although this proposed rule is a significant regulatory action, it does not contain a mandate that would impose costs on the private sector of more than $100 million annually (adjusted for inflation with base year of 1995). As a result, the requirements of Section 202 of the Act do not apply.

k. National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this proposed action will not have any significant impact on the quality of the human environment.

l. Plain Language

Executive Order 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public's needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that isn't clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?

If you have any responses to these questions, please include them in your comments on this proposal.

m. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

IX. Regulatory Text

List of Subjects in 49 CFR Part 571

Motor vehicles, Motor vehicle safety.

In consideration of the foregoing, we propose to amend 49 CFR part 571 to read as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.95.

■ 2. Amend § 571.3(b) by:
■ a. Adding in alphabetical order the definitions of ''Driver air bag'', ''Driver dummy'', ''Driver's designated seating position'', and ''Manually-operated driving controls'';
■ b. Revising the definition of ''Outboard designated seating position''; and
■ c. Adding in alphabetical order the definitions of ''Passenger seating position'', ''Row'', and ''Steering control system''.

The additions and revision read as follows:

§ 571.3 Definitions.

* * * * *

(b) * * *

Driver air bag means the air bag installed for the protection of the occupant of the driver's designated seating position.

Driver dummy means the test dummy positioned in the driver's designated seating position.

Driver's designated seating position means a designated seating position providing immediate access to manually-operated driving controls. As used in this part, the terms ''driver's seating position'' and ''driver's seat'' shall have the same meaning as ''driver's designated seating position.''

* * * * *

Manually-operated driving controls means a system of controls:

(1) That are used by an occupant for real-time, sustained, manual manipulation of the motor vehicle's heading (steering) and/or speed (accelerator and brake); and

(2) That are positioned such that they can be used by an occupant, regardless of whether the occupant is actively using the system to manipulate the vehicle's motion.

* * * * *

Outboard designated seating position means a designated seating position where a longitudinal vertical plane tangent to the outboard side of the seat cushion is less than 12 inches from the innermost point on the inside surface of the vehicle at a height between the design H-point and the shoulder reference point (as shown in fig. 1 of Federal Motor Vehicle Safety Standard No. 210) and longitudinally between the front and rear edges of the seat cushion. As used in this part, the terms ''outboard seating position'' and ''outboard seat'' shall have the same meaning as ''outboard designated seating position.''

* * * * *

Passenger seating position means any designated seating position other than

the driver's designated seating position. As used in this part, the term ''passenger seat'' shall have the same meaning as ''passenger seating position.'' As used in this part, ''passenger seating position'' means a driver's designated seating position with stowed manual controls.

* * * * *

Row means a set of one or more seats whose seat outlines do not overlap with the seat outline of any other seats, when all seats are adjusted to their rearmost normal riding or driving position, when viewed from the side.

* * * * *

Steering control system means the manually-operated driving control used to control the vehicle heading and its associated trim hardware, including any portion of a steering column assembly that provides energy absorption upon impact. As used in this part, the term ''steering wheel'' and ''steering control'' shall have the same meaning as ''steering control system.''

* * * * *

■ 3. Amend § 571.201 by revising paragraph S2, the definitions of ''A-pillar'', ''B-pillar'', and ''Pillar'' in paragraph S3, and paragraphs S5.1(b), S5.1.1(d), S5.1.2(a), S6.3(b), S8.6, S8.20, and S8.24 to read as follows:

§ 571.201 Standard No. 201; Occupant protection in interior impact.

* * * * *

S2. *Application.* This standard applies to passenger cars and to multipurpose passenger vehicles, trucks with at least one designated seating position, and buses with a GVWR of 4,536 kilograms or less, except that the requirements of S6 do not apply to buses with a GVWR of more than 3,860 kilograms.

S3. * * *

A-pillar means any pillar that is entirely forward of a transverse vertical plane passing through the seating reference point of the driver's designated seating position or, if there is no driver's designated seating position, any pillar that is entirely forward of a transverse vertical plane passing through the seating reference point of the rearmost designated seating position in the front row of seats.

* * * * *

B-pillar means the forwardmost pillar on each side of the vehicle that is, in whole or in part, rearward of a transverse vertical plane passing through the seating reference point of the driver's designated seating position or, if there is no driver's designated seating position, the forwardmost pillar on each side of the vehicle that is, in whole or in part, rearward of a transverse vertical plane passing through the seating reference point of the rearmost designated seating position in the front row of seats, unless:

(1) There is only one pillar rearward of that plane and it is also a rearmost pillar; or

(2) There is a door frame rearward of the A-pillar and forward of any other pillar or rearmost pillar.

* * * * *

Pillar means any structure, excluding glazing and the vertical portion of door window frames, but including accompanying moldings, attached components such as safety belt anchorages and coat hooks, which:

(1) If there is a driver's designated seating position, supports either a roof or any other structure (such as a roll-bar) that is above the driver's head, or if there is no driver's designated seating position, supports either a roof or any other structure (such as a roll-bar) that is above the occupant in the rearmost designated seating position in the front row of seats, or

(2) Is located along the side edge of a window.

* * * * *

S5.1 * * *

(b) A relative velocity of 19 kilometers per hour for vehicles that meet the occupant crash protection requirements of S5.1 of 49 CFR 571.208 by means of inflatable restraint systems and meet the requirements of S4.1.5.1(a)(3) by means of a Type 2 seat belt assembly at any front passenger designated seating position, the deceleration of the head form shall not exceed 80 g continuously for more than 3 milliseconds.

S5.1.1 * * *

(d) If the steering control is present, areas outboard of any point of tangency on the instrument panel of a 165 mm diameter head form tangent to and inboard of a vertical longitudinal plane tangent to the inboard edge of the steering control; or

* * * * *

S5.1.2 * * *

(a) The origin of the line tangent to the instrument panel surface shall be a point on a transverse horizontal line through a point 125 mm horizontally forward of the seating reference point of any front outboard passenger designated seating position, displaced vertically an amount equal to the rise which results from a 125 mm forward adjustment of the seat or 19 mm; and

* * * * *

S6.3 * * *

(b) Any target located rearward of a vertical plane 600 mm behind the seating reference point of the rearmost designated seating position. For altered vehicles and vehicles built in two or more stages, including ambulances and motor homes, any target located rearward of a vertical plane 300 mm behind the seating reference point of the driver's designated seating position or the rearmost designated seating position in the front row of seats, if there is no driver's designated seating position (tests for altered vehicles and vehicles built in two or more stages do not include, within the time period for measuring HIC(d), any free motion headform contact with components rearward of this plane). If an altered vehicle or vehicle built in two or more stages is equipped with a transverse vertical partition positioned between the seating reference point of the driver's designated seating position and a vertical plane 300 mm behind the seating reference point of the driver's designated seating position, any target located rearward of the vertical partition is excluded.

* * * * *

S8.6 *Steering control and seats.*

(a) During targeting, the steering control and seats may be placed in any position intended for use while the vehicle is in motion.

(b) During testing, the steering control and seats may be removed from the vehicle.

* * * * *

S8.20 *Adjustable steering controls—vehicle to pole test.* Adjustable steering controls shall be adjusted so that the steering control hub is at the geometric center of the locus it describes when it is moved through its full range of driving positions.

* * * * *

S8.24 *Impact reference line—vehicle to pole test.* On the striking side of the vehicle, place an impact reference line at the intersection of the vehicle exterior and a transverse vertical plane passing through the center of gravity of the head of the dummy seated in accordance with S8.28, in any front outboard designated seating position.

* * * * *

■ 4. Amend § 571.203 by revising paragraph S2 and removing and reserving paragraph S3 to read as follows:

§ 571.203 Standard No. 203; Impact protection for the driver from the steering control system.

* * * * *

S2. *Application.* This standard applies to passenger cars and to multipurpose passenger vehicles, trucks and buses with a gross vehicle weight rating of 4,536 kg or less. However, it

does not apply to vehicles that conform to the frontal barrier crash requirements (S5.1) of Standard No. 208 (49 CFR 571.208) by means of other than seat belt assemblies. It also does not apply to walk-in vans or vehicles without a steering control.

S3. [Reserved]

* * * * *

■ 5. Amend § 571.204 by revising paragraph S2 to read as follows:

§ 571.204 Standard No. 204; Steering control rearward displacement.

* * * * *

S2. *Application.* This standard applies to passenger cars and to multipurpose passenger vehicles, trucks, and buses. However, it does not apply to walk-in vans or vehicles without steering controls.

* * * * *

■ 6. Amend § 571.205 by revising paragraph S3(a) to read as follows:

§ 571.205 Standard No. 205, Glazing materials.

* * * * *

S3. * * *

(a) This standard applies to passenger cars, multipurpose passenger vehicles, trucks with at least one designated seating position, buses, motorcycles, slide-in campers, pickup covers designed to carry persons while in motion and low speed vehicles, and to glazing materials for use in those vehicles.

* * * * *

■ 7. Amend § 571.206 by revising paragraph S2 and the definitions of ''Side Front Door'' and ''Side Rear Door'' in paragraph S3 to read as follows:

§ 571.206 Standard No. 206; Door locks and door retention components.

* * * * *

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, and trucks with at least one designated seating position, and buses with a gross vehicle weight rating (GVWR) of 4,536 kg or less.

S3. * * *

* * * * *

Side Front Door is a door that, in a side view, has 50 percent or more of its opening area forward of the rearmost point on the driver's seat back, when the seat back is adjusted to its most vertical and rearward position. For vehicles without a driver's designated seating positions it is a door that in a side view, has 50 percent or more of its opening area forward of the rearmost point on the most rearward passengers seat back in the front row of seats, when the seat backs are adjusted to their most vertical and rearward position.

Side Rear Door is a door that, in a side view, has 50 percent or more of its opening area to the rear of the rearmost point on the driver's seat back, when the driver's seat is adjusted to its most vertical and rearward position. For vehicles without a driver's designated seating positions it is a door that in a side view, has 50 percent or more of its opening area rear of the rearmost point on the most rearward passengers seat back in the front row of seats, when the seat backs are adjusted to their most vertical and rearward position.

* * * * *

■ 8. Amend § 571.207 by revising paragraphs S2 and S4.1 to read as follows:

§ 571.207 Standard No. 207; Seating systems.

* * * * *

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks with at least one designated seating position, and buses.

* * * * *

S4.1 *Driver's seat.* Each vehicle with a manually-operated driving control shall have a driver's designated seating position.

* * * * *

■ 9. Amend § 571.208 by:

■ a. Revising paragraphs S3(a), S4.2, S4.2.5.4(c), S4.2.5.5(a)(2), S4.2.6.1.1, the definition of ''Perimeter seating bus'' in S4.4.1, and paragraphs S4.4.3.2.1, S4.4.3.2.2, S4.4.4.1.1, S4.4.4.1.2, S4.4.4.2, S4.4.5.1.1, S4.4.5.1.2 introductory text, S4.4.5.1.2(e), S4.4.5.3, S4.5.1(c)(3), S4.5.1(e)(1) introductory text, S4.5.1(e)(2) introductory text, S4.5.1(e)(3) introductory text, S4.5.1(f)(1), S4.11(d), S7.1.1.5(a), and S7.1.6;

■ b. Redesignating paragraph S7.1.6 as paragraph S7.1.1.6;

■ c. Revising paragraphs S8.1.4, S8.2.7(c), S10.2.1, S10.2.2, S10.3.1, S10.3.2, S10.4.1.1, S10.4.1.2, S10.4.2.1, S10.5, S10.6.1, S10.6.2, S10.7, S13.3, S16.2.9, S16.2.9.1, S16.2.9.2, S16.2.9.3, S16.2.10, S16.2.10.3, S16.3.2.1.4, S16.3.2.1.8, S16.3.2.1.9, S16.3.2.3.2, S16.3.2.3.3, S16.3.2.3.4, S16.3.3, S16.3.3.1, S16.3.3.1.2, S16.3.3.1.4, S16.3.3.2, S16.3.3.3, S16.3.4, S16.3.5, S19.2.1, S19.2.2 introductory text, (d), (g), and (h), S19.2.3, S19.3, and S19.4;

■ d. Adding paragraphs S19.5 and S19.5.1;

■ e. Revising paragraphs S20.1.2, S20.2, S20.2.1.1, S20.2.1.4, S20.2.2.3, S20.3, S20.3.1, S20.3.2, S20.4.1, S20.4.4, S20.4.9, S21.2.1, S21.2.3, S21.3, and S21.4;

■ f. Adding paragraphs S21.6, and S21.6.1,

■ g. Revising paragraphs S22.1.2, S22.1.3, S22.2, S22.2.1.1, S22.2.1.3, S22.2.2, S22.2.2.1(a) and (b), S22.2.2.3(a) and (b), S22.2.2.4(a), S22.2.2.5(a), S22.2.2.6(a) and (b), S22.2.2.7(a) and (b), S22.2.2.8(a) and (a)(6), S22.3, S22.3.1, S22.3.2, S22.4.2.2, S22.4.3.1, S22.4.3.2, S22.4.4, S22.5.1, S23.2.1, S23.2.3, S23.3, and S23.4;

■ h. Adding paragraphs S23.6, and S23.6.1; and

■ i. Revising paragraphs S24.1.2, S24.1.3, S24.2, S24.2.3, S24.3, S24.3.1, S24.3.2, S24.4.2.3, S24.4.3.1, S24.4.3.2 introductory text, S24.4.4, S26.2.1, S26.2.2, S26.2.4.3, S26.2.4.4, S26.2.5, S26.3.2, S26.3.3, S26.3.4.3, S26.3.5, S26.3.6, S26.3.7, S27.5.2, S27.6.2, S28.2, and S28.4.

The revisions and additions read as follows:

§ 571.208 Standard No. 208; Occupant crash protection.

* * * * *

S3. *Application.* (a) This standard applies to passenger cars, multipurpose passenger vehicles, trucks with at least one designated seating position, and buses. In addition, S9, *Pressure vessels and explosive devices,* applies to vessels designed to contain a pressurized fluid or gas, and to explosive devices, for use in the above types of motor vehicles as part of a system designed to provide protection to occupants in the event of a crash.

* * * * *

S4.2 *Trucks and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less.* As used in this section, *vehicles manufactured for operation by persons with disabilities* means vehicles that incorporate a level change device (*e.g.,* a wheelchair lift or a ramp) for onloading or offloading an occupant in a wheelchair, an interior element of design intended to provide the vertical clearance necessary to permit a person in a wheelchair to move between the lift or ramp and the driver's position or to occupy that position, and either an adaptive control or special driver's seating accommodation to enable persons who have limited use of their arms or legs to operate a vehicle. For purposes of this definition, special driver's seating accommodations include a driver's seat easily removable with means installed for that purpose or with simple tools, or a driver's seat with extended adjustment capability to allow a person to easily transfer from a wheelchair to the driver's seat.

* * * * *

S4.2.5.4 * * *

(c) Each truck, bus, and multipurpose passenger vehicle with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less manufactured on or after September 1, 1995, but before September 1, 1998, whose driver's seating position complies with the requirements of S4.1.2.1(a) of this standard by means not including any type of seat belt and whose right front passenger seating position is equipped with a manual Type 2 seat belt that complies with S5.1 of this standard, with the seat belt assembly adjusted in accordance with S7.4.2, shall be counted as a vehicle complying with S4.1.2.1.

S4.2.5.5 * * *

(a) * * *

(2) Each truck, bus, and multipurpose passenger vehicle with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less whose driver's seating position complies with the requirements of S4.1.2.1(a) by means not including any type of seat belt and whose right front passenger seating position is equipped with a manual Type 2 seat belt that complies with S5.1 of this standard, with the seat belt assembly adjusted in accordance with S7.4.2, is counted as one vehicle.

* * * * *

S4.2.6.1.1 The amount of trucks, buses, and multipurpose passenger vehicles complying with the requirements of S4.1.5.1(a)(1) of this standard by means of an inflatable restraint system shall be not less than 80 percent of the manufacturer's total combined production of subject vehicles manufactured on or after September 1, 1997 and before September 1, 1998. Each truck, bus, or multipurpose passenger vehicle with a GVWR of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less manufactured on or after September 1, 1997 and before September 1, 1998, whose driver's seating position complies with S4.1.5.1(a)(1) by means of an inflatable restraint system and whose right front passenger seating position is equipped with a manual Type 2 seat belt assembly that complies with S5.1 of this standard, with the seat belt assembly adjusted in accordance with S7.4.2 of this standard, shall be counted as a vehicle complying with S4.1.5.1(a)(1) by means of an inflatable restraint system. A vehicle shall not be deemed to be in noncompliance with this standard if its manufacturer establishes that it did not have reason to know in the exercise of due care that such vehicle is not in conformity with the requirement of this standard.

* * * * *

S4.4.1 * * *

* * * * *

Perimeter-seating bus means a bus, which is not an over-the-road bus, that has 7 or fewer designated seating positions that are forward-facing or can convert to forward-facing without the use of tools, and are rearward of the driver's designated seating position or rearward of the outboard designated seating positions in the front row of seats, if there is no driver's designated seating position.

* * * * *

S4.4.3.2.1 The driver's designated seating position and any outboard designated seating position not rearward of the driver's seating position shall be equipped with a Type 2 seat belt assembly. For a school bus without a driver's designated seating position, the outboard designated seating positions in the front row of seats shall be equipped with Type 2 seat belt assemblies. The seat belt assembly shall comply with Standard No. 209 (49 CFR 571.209) and with S7.1 and S7.2 of this standard. The lap belt portion of the seat belt assembly shall include either an emergency locking retractor or an automatic locking retractor. An automatic locking retractor shall not retract webbing to the next locking position until at least ¾ inch of webbing has moved into the retractor. In determining whether an automatic locking retractor complies with this requirement, the webbing is extended to 75 percent of its length and the retractor is locked after the initial adjustment. If the seat belt assembly installed in compliance with this requirement incorporates any webbing tension-relieving device, the vehicle owner's manual shall include the information specified in S7.4.2(b) of this standard for the tension-relieving device, and the vehicle shall comply with S7.4.2(c) of this standard.

S4.4.3.2.2 Passenger seating positions, other than those specified in S4.4.3.2.1, shall be equipped with Type 2 seat belt assemblies that comply with the requirements of S7.1.1.5, S7.1.5 and S7.2 of this standard.

* * * * *

S4.4.4.1.1 *First option—complete passenger protection system—driver only.* The vehicle shall meet the crash protection requirements of S5, with respect to an anthropomorphic test dummy in the driver's designated seating position, by means that require no action by vehicle occupants.

S4.4.4.1.2 *Second option—belt system.* The vehicle shall, at the driver's designated seating position and all designated seating positions in the front row of seats, if there is no driver's designated seating position, be equipped with either a Type 1 or a Type 2 seat belt assembly that conforms to § 571.209 of this part and S7.2 of this Standard. A Type 1 belt assembly or the pelvic portion of a dual retractor Type 2 belt assembly installed at these seating position shall include either an emergency locking retractor or an automatic locking retractor. If a seat belt assembly includes an automatic locking retractor for the lap belt or the lap belt portion, that seat belt assembly shall comply with the following:

* * * * *

S4.4.4.2 Each school bus with a GVWR of more than 4,536 kg (10,000 lb) but not greater than 11,793 kg (26,000 lb) shall be equipped with a Type 2 seat belt assembly at the driver's designated seating position and all designated seating positions in the front row of seats, if there is no driver's designated seating position. The seat belt assembly shall comply with Standard No. 209 (49 CFR 571.209) and with S7.1 and S7.2 of this standard. If a seat belt assembly installed in compliance with this requirement includes an automatic locking retractor for the lap belt portion, that seat belt assembly shall comply with paragraphs (a) through (c) of S4.4.4.1.2 of this standard. If a seat belt assembly installed in compliance with this requirement incorporates any webbing tension-relieving device, the vehicle owner's manual shall include the information specified in S7.4.2(b) of this standard for the tension-relieving device, and the vehicle shall comply with S7.4.2(c) of this standard.

* * * * *

S4.4.5.1.1 The driver's designated seating position and any outboard designated seating position not rearward of the driver's seating position shall be equipped with a Type 2 seat belt assembly. The seat belt assembly shall comply with Standard No. 209 (49 CFR 571.209) and with S7.1 and S7.2 of this standard. For a bus without a driver's designated seating position, any outboard designated seating positions in the front row of seats, shall be equipped with Type 2 seat belt assemblies. If a seat belt assembly installed in compliance with this requirement includes an automatic locking retractor for the lap belt portion, that seat belt assembly shall comply with paragraphs (a) through (c) of S4.4.4.1.2 of this standard. If a seat belt assembly installed in compliance with this requirement incorporates any webbing tension-relieving device, the vehicle owner's manual shall include the information specified in S7.4.2(b) of this standard for the tension-relieving

device, and the vehicle shall comply with S7.4.2(c) of this standard.

S4.4.5.1.2 Passenger seating positions, other than those specified in S4.4.5.1.1 and seating positions on prison buses rearward of the driver's seating position, shall:

* * * * *

(e) Comply with the requirements of S7.1.1.5, S7.1.1.6, S7.1.3, and S7.2 of this standard.

* * * * *

S4.4.5.3 Each school bus with a GVWR of more than 11,793 kg (26,000 lb) shall be equipped with a Type 2 seat belt assembly at the driver's designated seating position and all designated seating positions in the front row of seats, if there is no driver's designated seating position. The seat belt assembly shall comply with Standard No. 209 (49 CFR 571.209) and with S7.1 and S7.2 of this standard. If a seat belt assembly installed in compliance with this requirement includes an automatic locking retractor for the lap belt portion, that seat belt assembly shall comply with paragraphs (a) through (c) of S4.4.4.1.2 of this standard. If a seat belt assembly installed in compliance with this requirement incorporates any webbing tension-relieving device, the vehicle owner's manual shall include the information specified in S7.4.2(b) of this standard for the tension-relieving device, and the vehicle shall comply with S7.4.2(c) of this standard.

* * * * *

S4.5.1 * * *

(c) * * *

(3) If a vehicle does not have an inflatable restraint at any front seating position other than that for the driver's designated seating position, the pictogram may be omitted from the label shown in Figure 6c.

* * * * *

(e) * * *

(1) Except as provided in S4.5.1(e)(2) or S4.5.1(e)(3), each vehicle that is equipped with an inflatable restraint for the passenger position shall have a label attached to a location on the dashboard or the steering control hub that is clearly visible from all front seating positions. The label need not be permanently affixed to the vehicle. This label shall conform in content to the label shown in Figure 7 of this standard, and shall comply with the requirements of S4.5.1(e)(1)(i) through S4.5.1(e)(1)(iii).

* * * * *

(2) Vehicles certified to meet the requirements specified in S19, S21, and S23 before December 1, 2003, that are equipped with an inflatable restraint for the passenger position shall have a label attached to a location on the dashboard or the steering control hub that is clearly visible from all front seating positions. The label need not be permanently affixed to the vehicle. This label shall conform in content to the label shown in either Figure 9 or Figure 12 of this standard, at manufacturer's option, and shall comply with the requirements of S4.5.1(e)(2)(i) through S4.5.1(e)(2)(iv).

* * * * *

(3) Vehicles certified to meet the requirements specified in S19, S21, and S23 on or after December 1, 2003, that are equipped with an inflatable restraint for the passenger position shall have a label attached to a location on the dashboard or the steering control hub that is clearly visible from all front seating positions. The label need not be permanently affixed to the vehicle. This label shall conform in content to the label shown in Figure 12 of this standard and shall comply with the requirements of S4.5.1(e)(3)(i) through S4.5.1(e)(3)(iv).

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(f) *Information to appear in owner's manual.* (1) The owner's manual for any vehicle equipped with an inflatable restraint system shall include an accurate description of the vehicle's air bag system in an easily understandable format. The owner's manual shall include a statement to the effect that the vehicle is equipped with an air bag and lap/shoulder belt at both front outboard seating positions, and that the air bag is a supplemental restraint at those seating positions. The information shall emphasize that all occupants should always wear their seat belts whether or not an air bag is also provided at their seating position to minimize the risk of severe injury or death in the event of a crash. The owner's manual shall also provide any necessary precautions regarding the proper positioning of occupants, including children, at seating positions equipped with air bags to ensure maximum safety protection for those occupants. The owner's manual shall also explain that no objects should be placed over or near the air bag on the instrument panel, because any such objects could cause harm if the vehicle is in a crash severe enough to cause the air bag to inflate.

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S4.11 * * *

(d) For driver dummy low risk deployment tests, the injury criteria shall be met when calculated based on data recorded for 125 milliseconds after the initiation of the final stage of air bag deployment designed to deploy in any full frontal rigid barrier crash up to 26 km/h (16 mph).

* * * * *

S7.1.1.5 * * *

(a) Each designated seating position, except the driver's designated seating position, and except any right front seating position that is equipped with an automatic belt, that is in any motor vehicle, except walk-in van-type vehicles and vehicles manufactured to be sold exclusively to the U.S. Postal Service, and that is forward-facing or can be adjusted to be forward-facing, shall have a seat belt assembly whose lap belt portion is lockable so that the seat belt assembly can be used to tightly secure a child restraint system. The means provided to lock the lap belt or lap belt portion of the seat belt assembly shall not consist of any device that must be attached by the vehicle user to the seat belt webbing, retractor, or any other part of the vehicle. Additionally, the means provided to lock the lap belt or lap belt portion of the seat belt assembly shall not require any inverting, twisting or otherwise deforming of the belt webbing.

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S7.1.1.6 [Redesignated]

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S8.1.4 Adjustable steering controls are adjusted so that the steering control hub is at the geometric center of the locus it describes when it is moved through its full range of driving positions.

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S8.2.7 * * *

(c) A vertical plane through the geometric center of the barrier impact surface and perpendicular to that surface passes through the driver's seating position seating reference point in the tested vehicle.

* * * * *

S10.2.1 The driver dummy's upper arms shall be adjacent to the torso with the centerlines as close to a vertical plane as possible.

S10.2.2 Any front outboard passenger dummy's upper arms shall be in contact with the seat back and the sides of the torso.

* * * * *

S10.3.1 The palms of the driver dummy shall be in contact with the outer part of the steering control rim at the rim's horizontal centerline. The thumbs shall be over the steering control rim and shall be lightly taped to the steering control rim so that if the hand of the test dummy is pushed upward by a force of not less than 2 pounds and not more than 5 pounds, the tape shall release the hand from the steering control rim.

S10.3.2 The palms of any passenger test dummy shall be in contact with the outside of the thigh. The little finger

shall be in contact with the seat cushion.

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S10.4.1.1 In vehicles equipped with bench seats, the upper torso of the driver and front outboard passenger dummies shall rest against the seat back. The midsagittal plane of the driver dummy shall be vertical and parallel to the vehicle's longitudinal centerline, and pass through the center of rotation of the steering control. The midsagittal plane of any passenger dummy shall be vertical and parallel to the vehicle's longitudinal centerline and the same distance from the vehicle's longitudinal centerline as the midsagittal plane of the driver dummy, if there is a driver's seating position. If there is no driver's seating position, the midsagittal plane of any front outboard passenger dummy shall be vertical and parallel to the vehicle's longitudinal centerline, and pass through the seating reference point of the seat that it occupies.

S10.4.1.2 In vehicles equipped with bucket seats, the upper torso of the driver and passenger dummies shall rest against the seat back. The midsagittal plane of the driver and any front outboard passenger dummy shall be vertical and shall coincide with the longitudinal centerline of the bucket seat.

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S10.4.2.1 *H-point.* The H-points of the driver and any front outboard passenger test dummies shall coincide within ½ inch in the vertical dimension and ½ inch in the horizontal dimension of a point ¼ inch below the position of the H-point determined by using the equipment and procedures specified in SAE Standard J826–1980 (incorporated by reference, see § 571.5), except that the length of the lower leg and thigh segments of the H-point machine shall be adjusted to 16.3 and 15.8 inches, respectively, instead of the 50th percentile values specified in Table 1 of SAE Standard J826–1980.

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S10.5 *Legs.* The upper legs of the driver and any front outboard passenger test dummies shall rest against the seat cushion to the extent permitted by placement of the feet. The initial distance between the outboard knee clevis flange surfaces shall be 10.6 inches. To the extent practicable, the left leg of the driver dummy and both legs of any front outboard passenger dummy shall be in vertical longitudinal planes. To the extent practicable, the right leg of the driver dummy shall be in a vertical plane. Final adjustment to accommodate the placement of feet in accordance with S10.6 for various passenger compartment configurations is permitted.

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S10.6.1 *Driver dummy position.*

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S10.6.2 Front outboard *passenger dummy position.*

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S10.7 *Test dummy positioning for latchplate access.* The reach envelopes specified in S7.4.4 of this standard are obtained by positioning a test dummy in the driver's or front outboard passenger seating position and adjusting that seating position to its forwardmost adjustment position. Attach the lines for the inboard and outboard arms to the test dummy as described in Figure 3 of this standard. Extend each line backward and outboard to generate the compliance arcs of the outboard reach envelope of the test dummy's arms.

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S13.3 *Vehicle test attitude.* When the vehicle is in its ''as delivered'' condition, measure the angle between the left side door sill and the horizontal. Mark where the angle is taken on the door sill. The ''as delivered'' condition is the vehicle as received at the test site, with 100 percent of all fluid capacities and all tires inflated to the manufacturer's specifications as listed on the vehicle's tire placard. When the vehicle is in its ''fully loaded'' condition, measure the angle between the left side door sill and the horizontal, at the same place the ''as delivered'' angle was measured. The ''fully loaded'' condition is the test vehicle loaded in accordance with S8.1.1(a) or (b) of Standard No. 208, as applicable. The load placed in the cargo area shall be centered over the longitudinal centerline of the vehicle. The pretest door sill angle, when the vehicle is on the sled, (measured at the same location as the as delivered and fully loaded condition) shall be equal to or between the as delivered and fully loaded door sill angle measurements.

* * * * *

S16.2.9 *Steering control adjustment.*

S16.2.9.1 Adjust a tiltable steering control, if possible, so that the steering control hub is at the geometric center of its full range of driving positions.

S16.2.9.2 If there is no setting detent at the mid-position, lower the steering control to the detent just below the mid-position.

S16.2.9.3 If the steering column is telescoping, place the steering column in the mid-position. If there is no mid-position, move the steering control rearward one position from the mid-position.

S16.2.10 *Front outboard passenger seat set-up.*

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S16.2.10.3 *Seat position adjustment.* If the front right outboard passenger seat does not adjust independently of the front left outboard seat, the front left outboard seat shall control the final position of the front right outboard passenger seat.

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S16.3.2.1.4 *Bench seats.* Position the midsagittal plane of the dummy vertical and parallel to the vehicle's longitudinal centerline and aligned within ±10 mm (±0.4 in) of the center of the steering control.

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S16.3.2.1.8 If needed, extend the legs slightly so that the feet are not in contact with the floor pan. Let the thighs rest on the seat cushion to the extent permitted by the foot movement. Keeping the leg and the thigh in a vertical plane, place the foot in the vertical longitudinal plane that passes through the centerline of the accelerator pedal. Rotate the left thigh outboard about the hip until the center of the knee is the same distance from the midsagittal plane of the dummy as the right knee ±5 mm (±0.2 in). Using only the control that primarily moves the seat fore and aft, attempt to return the seat to the full forward position. If either of the dummy's legs first contacts the steering control, then adjust the steering control, if adjustable, upward until contact with the steering control is avoided. If the steering control is not adjustable, separate the knees enough to avoid steering control contact. Proceed with moving the seat forward until either the leg contacts the vehicle interior or the seat reaches the full forward position. (The right foot may contact and depress the accelerator and/or change the angle of the foot with respect to the leg during seat movement.) If necessary to avoid contact with the vehicles brake or clutch pedal, rotate the test dummy's left foot about the leg. If there is still interference, rotate the left thigh outboard about the hip the minimum distance necessary to avoid pedal interference. If a dummy leg contacts the vehicle interior before the full forward position is attained, position the seat at the next detent where there is no contact. If the seat is a power seat, move the seat fore and aft to avoid contact while assuring that there is a maximum of 5 mm (0.2 in) distance between the vehicle interior and the point on the dummy that would first contact the vehicle interior. If the steering control was moved, return it to

the position described in S16.2.9. If the steering control contacts the dummy's leg(s) prior to attaining this position, adjust it to the next higher detent, or if infinitely adjustable, until there is 5 mm (0.2 in) clearance between the control and the dummy's leg(s).

S16.3.2.1.9 For vehicles without adjustable seat backs, adjust the lower neck bracket to level the head as much as possible. For vehicles with adjustable seat backs, while holding the thighs in place, rotate the seat back forward until the transverse instrumentation platform of the head is level to within ±0.5 degree, making sure that the pelvis does not interfere with the seat bight. Inspect the abdomen to ensure that it is properly installed. If the torso contacts the steering control, adjust the steering control in the following order until there is no contact: Telescoping adjustment, lowering adjustment, raising adjustment. If the vehicle has no adjustments, or contact with the steering control cannot be eliminated by adjustment, position the seat at the next detent where there is no contact with the steering control as adjusted in S16.2.9. If the seat is a power seat, position the seat to avoid contact while assuring that there is a maximum of 5 mm (0.2 in) distance between the steering control as adjusted in S16.2.9 and the point of contact on the dummy.

* * * * *

S16.3.2.3.2 Place the palms of the dummy in contact with the outer part of the steering control rim at its horizontal centerline with the thumbs over the steering control rim.

S16.3.2.3.3 If it is not possible to position the thumbs inside the steering control rim at its horizontal centerline, then position them above and as close to the horizontal centerline of the steering control rim as possible.

S16.3.2.3.4 Lightly tape the hands to the steering control rim so that if the hand of the test dummy is pushed upward by a force of not less than 9 N (2 lb) and not more than 22 N (5 lb), the tape releases the hand from the steering control rim.

S16.3.3 Front outboard *passenger dummy positioning.*

S16.3.3.1 Front outboard *passenger torso/head/seat back angle positioning.*

* * * * *

S16.3.3.1.2 Fully recline the seat back, if adjustable. Install the dummy into any front outboard passenger seat, such that when the legs are 120 degrees to the thighs, the calves of the legs are not touching the seat cushion.

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S16.3.3.1.4 *Bench seats.* Position the midsagittal plane of the dummy vertical and parallel to the vehicle's longitudinal centerline and the same distance from the vehicle's longitudinal centerline, within ±10 mm (±0.4 in), as the midsagittal plane of the driver dummy, if there is a driver's seating position. Otherwise, the midsagittal plane of any front outboard passenger dummy shall be vertical, parallel to the vehicle's longitudinal centerline, and pass, within ±10 mm (±0.4 in), through the seating reference point of the seat that it occupies.

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S16.3.3.2 Front outboard *passenger foot positioning.*

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S16.3.3.3 Front outboard *passenger arm/hand positioning.*

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S16.3.4 *Driver and front outboard passenger adjustable head restraints.*

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S16.3.5 *Driver and front outboard passenger manual belt adjustment (for tests conducted with a belted dummy).*

* * * * *

S19.2.1 The vehicle shall be equipped with an automatic suppression feature for any front outboard passenger air bag which results in deactivation of the air bag during each of the static tests specified in S20.2 (using the 49 CFR part 572 Subpart R 12-month-old CRABI child dummy in any of the child restraints identified in sections B and C of appendix A or A–1 of this standard, as appropriate and the 49 CFR part 572 subpart K Newborn Infant dummy in any of the car beds identified in section A of appendix A or A–1, as appropriate), and activation of the air bag system during each of the static tests specified in S20.3 (using the 49 CFR part 572 Subpart O 5th percentile adult female dummy).

S19.2.2 The vehicle shall be equipped with telltales for each front outboard passenger seat which emit light whenever the associated front outboard passenger air bag system is deactivated and does not emit light whenever the associated front outboard passenger air bag system is activated, except that the telltale(s) need not illuminate when the associated front outboard passenger seat is unoccupied. Each telltale:

* * * * *

(d) Shall be located within the interior of the vehicle and forward of and above the design H-point of both the driver's and any front outboard passenger's seat in their forwardmost seating positions and shall not be located on or adjacent to a surface that can be used for temporary or permanent storage of objects that could obscure the telltale from either the driver's or any-front outboard passenger's view, or located where the telltale would be obscured from the driver's view or the adjacent front outboard passenger's view if a rear-facing child restraint listed in appendix A or A–1, as appropriate, is installed in any-front outboard passenger's seat.

* * * * *

(g) Means shall be provided for making telltales visible and recognizable to the driver and any front outboard passenger under all driving conditions. The means for providing the required visibility may be adjustable manually or automatically, except that the telltales may not be adjustable under any driving conditions to a level that they become invisible or not recognizable to the driver and any front outboard passenger.

(h) The telltale must not emit light except when any passenger air bag is turned off or during a bulb check upon vehicle starting.

S19.2.3 The vehicle shall be equipped with a mechanism that indicates whether the air bag system is suppressed, regardless of whether any front outboard passenger seat is occupied. The mechanism need not be located in the occupant compartment unless it is the telltale described in S19.2.2.

S19.3 *Option 2—Low risk deployment.* Each vehicle shall meet the injury criteria specified in S19.4 of this standard when any front outboard passenger air bag is deployed in accordance with the procedures specified in S20.4.

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S19.5 *Motion suppression for vehicles with manually-operated driving controls that do not require a driver.* Each vehicle that is certified as complying with S14 shall not be capable of motion when a 12-month-old CRABI dummy is placed at the driver's seating position and the vehicle is in an operational state that does not require a driver.

S19.5.1 Motion suppression shall be assessed under the test procedures specified in S20.1 through S20.2, except that the 12-month-old CRABI dummy is placed in the driver's seating position and the result shall be an inability of engage vehicle motion.

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S20.1.2 Unless otherwise specified, each vehicle certified to this option shall comply in tests conducted with any front outboard passenger seating position, if adjustable fore and aft, at full rearward, middle, and full forward

positions. If the child restraint or dummy contacts the vehicle interior, move the seat rearward to the next detent that provides clearance, or if the seat is a power seat, using only the control that primarily moves the seat fore and aft, move the seat rearward while assuring that there is a maximum of 5 mm (0.2 in) clearance between the dummy or child restraint and the vehicle interior.

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S20.2 *Static tests of automatic suppression feature which shall result in deactivation of any front outboard passenger air bag.* Each vehicle that is certified as complying with S19.2 shall meet the following test requirements.

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S20.2.1.1 The vehicle shall comply in tests using any child restraint specified in section B and section C of appendix A or A–1 of this standard, as appropriate, installed in any front outboard passenger vehicle seat in the following orientations:

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S20.2.1.4 For bucket seats, ''Plane B'' refers to a vertical plane parallel to the vehicle longitudinal centerline through the longitudinal centerline of any front outboard passenger vehicle seat cushion. For bench seats in vehicles with manually-operated driving controls, ''Plane B'' refers to a vertical plane through any front outboard passenger vehicle seat parallel to the vehicle longitudinal centerline the same distance from the longitudinal centerline of the vehicle as the center of the steering control. For bench seats in vehicles without manually-operated driving controls, ''Plane B'' refers to the vertical plane parallel to the vehicle longitudinal centerline, through any front outboard passenger seat's SgRP.

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S20.2.2.3 For bucket seats, ''Plane B'' refers to a vertical plane parallel to the vehicle longitudinal centerline through the longitudinal centerline of any front outboard passenger vehicle seat cushion. For bench seats in vehicles with manually-operated driving controls, ''Plane B'' refers to a vertical plane through any front outboard passenger seat parallel to the vehicle longitudinal centerline the same distance from the longitudinal centerline of the vehicle as the center of the steering control. For bench seats in vehicles without manually-operated driving controls, ''Plane B'' refers to the vertical plane parallel to the vehicle longitudinal centerline, through any front outboard passenger seat's SgRP.

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S20.3 *Static tests of automatic suppression feature which shall result in activation of any front outboard passenger air bag system.*

S20.3.1 Each vehicle certified to this option shall comply in tests conducted with any front outboard passenger seating position, if adjustable fore and aft, at the mid-height, in the full rearward and middle positions determined in S20.1.9.4, and the forward position determined in S16.3.3.1.8.

S20.3.2 Place a 49 CFR part 572 subpart O 5th percentile adult female test dummy at any front outboard passenger seating position of the vehicle, in accordance with procedures specified in S16.3.3 of this standard, except as specified in S20.3.1, subject to the fore-aft seat positions in S20.3.1. Do not fasten the seat belt.

* * * * *

S20.4.1 Position any front outboard passenger vehicle seat at the mid-height in the full forward position determined in S20.1.9.4, and adjust the seat back (if adjustable independent of the seat) to the nominal design position for a 50th percentile adult male as specified in S8.1.3. Position adjustable lumbar supports so that the lumbar support is in its lowest, retracted or deflated adjustment position. Position any adjustable parts of the seat that provide additional support so that they are in the lowest or most open adjustment position. If adjustable, set the head restraint at the full down and most forward position. If the child restraint or dummy contacts the vehicle interior, do the following: Using only the control that primarily moves the seat in the fore and aft direction, move the seat rearward to the next detent that provides clearance; or if the seat is a power seat, move the seat rearward while assuring that there is a maximum of 5 mm (0.2 in) clearance.

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S20.4.4 For bucket seats, ''Plane B'' refers to a vertical plane parallel to the vehicle longitudinal centerline through the longitudinal centerline of any front outboard passenger seat cushion. For bench seats in vehicles with manually-operated driving controls, ''Plane B'' refers to a vertical plane through any front outboard passenger seat parallel to the vehicle longitudinal centerline that is the same distance from the longitudinal centerline of the vehicle as the center of the steering control. For bench seats in vehicles without manually-operated driving controls, ''Plane B'' refers to the vertical plane parallel to the vehicle longitudinal centerline, through any front outboard passenger seat's SgRP.

* * * * *

S20.4.9 Deploy any front outboard passenger frontal air bag system. If the air bag system contains a multistage inflator, the vehicle shall be able to comply at any stage or combination of stages or time delay between successive stages that could occur in the presence of an infant in a rear facing child restraint and a 49 CFR part 572, subpart R 12-month-old CRABI dummy positioned according to S20.4, and also with the seat at the mid-height, in the middle and full rearward positions determined in S20.1.9.4, in a rigid barrier crash test at speeds up to 64 km/h (40 mph).

* * * * *

S21.2.1 The vehicle shall be equipped with an automatic suppression feature for any front outboard passenger air bag which results in deactivation of the air bag during each of the static tests specified in S22.2 (using the 49 CFR part 572 subpart P 3-year-old child dummy and, as applicable, any child restraint specified in section C and section D of appendix A or A–1 of this standard, as appropriate), and activation of the air bag system during each of the static tests specified in S22.3 (using the 49 CFR part 572 subpart O 5th percentile adult female dummy).

* * * * *

S21.2.3 The vehicle shall be equipped with a mechanism that indicates whether the air bag is suppressed, regardless of whether any front outboard passenger seat is occupied. The mechanism need not be located in the occupant compartment unless it is the telltale described in S21.2.2.

S21.3 *Option 2—Dynamic automatic suppression system that suppresses the air bag when an occupant is out of position.* (This option is available under the conditions set forth in S27.1.) The vehicle shall be equipped with a dynamic automatic suppression system for any front outboard passenger air bag system which meets the requirements specified in S27.

S21.4 *Option 3—Low risk deployment.* Each vehicle shall meet the injury criteria specified in S21.5 of this standard when any front outboard passenger air bag is deployed in accordance with both of the low risk deployment test procedures specified in S22.4.

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S21.6 *Motion suppression for vehicles with manually-operated driving controls that do not require a driver.*

Each vehicle that is certified as complying with S14 shall not be capable of motion when a 3-year-old dummy is placed at the driver's seating position and the vehicle is in an operational state that does not require a driver.

S21.6.1 Motion suppression shall be assessed under the test procedures specified in S22.1 through S22.2, except that the 3-year-old dummy is placed in the driver's seating position and the result shall be an inability of engage vehicle motion.

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S22.1.2 Unless otherwise specified, each vehicle certified to this option shall comply in tests conducted with any front outboard passenger seating position at the mid-height, in the full rearward, middle, and the full forward positions determined in S22.1.7.4. If the dummy contacts the vehicle interior, using only the control that primarily moves the seat fore and aft, move the seat rearward to the next detent that provides clearance. If the seat is a power seat, move the seat rearward while assuring that there is a maximum of 5 mm (0.2 in) clearance.

S22.1.3 Except as otherwise specified, if the child restraint has an anchorage system as specified in S5.9 of FMVSS No. 213 and is tested in a vehicle with any front outboard passenger vehicle seat that has an anchorage system as specified in FMVSS No. 225, the vehicle shall comply with the belted test conditions with the restraint anchorage system attached to the vehicle seat anchorage system and the vehicle seat belt unattached. It shall also comply with the belted test conditions with the restraint anchorage system unattached to the vehicle seat anchorage system and the vehicle seat belt attached.

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S22.2 *Static tests of automatic suppression feature which shall result in deactivation of any front outboard passenger air bag.* Each vehicle that is certified as complying with S21.2 shall meet the following test requirements:

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S22.2.1.1 Install the restraint in any front outboard passenger vehicle seat in accordance, to the extent possible, with the child restraint manufacturer's instructions provided with the seat for use by children with the same height and weight as the 3-year-old child dummy.

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S22.2.1.3 For bucket seats, ''Plane B'' refers to a vertical longitudinal plane through the longitudinal centerline of the seat cushion of any front outboard passenger vehicle seat. For bench seats in vehicles with manually-operated driving controls, ''Plane B'' refers to a vertical plane through any front outboard passenger vehicle seat parallel to the vehicle longitudinal centerline the same distance from the longitudinal centerline of the vehicle as the center of the steering control. For bench seats in vehicles without manually-operated driving controls, ''Plane B'' refers to the vertical plane parallel to the vehicle longitudinal centerline, through any front outboard passenger seat's SgRP.

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S22.2.2 *Unbelted tests with dummies.* Place the 49 CFR part 572 subpart P 3-year-old child dummy on any front outboard passenger vehicle seat in any of the following positions (without using a child restraint or booster seat or the vehicle's seat belts):

S22.2.2.1 * * *

(a) Place the dummy on any front outboard passenger seat.

(b) In the case of vehicles equipped with bench seats and with manually-operated driving controls, position the midsagittal plane of the dummy vertically and parallel to the vehicle's longitudinal centerline and the same distance from the vehicle's longitudinal centerline, within ±10 mm (±0.4 in), as the center of the steering control. For bench seats in vehicles without manually-operated driving controls, position the midsagittal plane of any front outboard dummy vertically and parallel to the vehicle's longitudinal centerline, within ±10 mm (±0.4 in) of the seating reference point of the seat that it occupies. In the case of vehicles equipped with bucket seats, position the midsagittal plane of any front outboard dummy vertically such that it coincides with the longitudinal centerline of the seat cushion, within ±10 mm (±0.4 in). Position the torso of the dummy against the seat back. Position the dummy's thighs against the seat cushion.

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S22.2.2.3 * * *

(a) Place the dummy on any front outboard passenger seat.

(b) In the case of vehicles equipped with bench seats and with manually-operated driving controls, position the midsagittal plane of the dummy vertically and parallel to the vehicle's longitudinal centerline and the same distance from the vehicle's longitudinal centerline, within ±10 mm (±0.4 in), as the center of the steering control. For bench seats in vehicles without manually-operated driving controls, position the midsagittal plane of any front outboard dummy vertically and parallel to the vehicle's longitudinal centerline, within ±10 mm (±0.4 in) of the seating reference point of the seat that it occupies. In the case of vehicles equipped with bucket seats, position the midsagittal plane of any front outboard dummy vertically such that it coincides with the longitudinal centerline of the seat cushion, within ±10 mm (±0.4 in). Position the dummy with the spine vertical so that the horizontal distance from the dummy's back to the seat back is no less than 25 mm (1.0 in) and no more than 150 mm (6.0 in), as measured along the dummy's midsagittal plane at the mid-sternum level. To keep the dummy in position, a material with a maximum breaking strength of 311 N (70 lb) may be used to hold the dummy.

* * * * *

S22.2.2.4 * * *

(a) In the case of vehicles equipped with bench seats and with manually-operated driving controls, position the midsagittal plane of the dummy vertically and parallel to the vehicle's longitudinal centerline and the same distance from the vehicle's longitudinal centerline, within ±10 mm (±0.4 in), as the center of the steering control. For bench seats in vehicles without manually-operated driving controls, position the midsagittal plane of any front outboard dummy vertically and parallel to the vehicle's longitudinal centerline, within ±10 mm (±0.4 in) of the seating reference point of the seat that it occupies. In the case of vehicles equipped with bucket seats, position the midsagittal plane of any front outboard dummy vertically such that it coincides with the longitudinal centerline of the seat cushion, within ±10 mm (±0.4 in).

* * * * *

S22.2.2.5 * * *

(a) In the case of vehicles equipped with bench seats and with manually-operated driving controls, position the midsagittal plane of the dummy vertically and parallel to the vehicle's longitudinal centerline and the same distance from the vehicle's longitudinal centerline, within ±10 mm (±0.4 in), as the center of the steering control rim. For bench seats in vehicles without manually-operated driving controls, position the midsagittal plane of any front outboard dummy vertically and parallel to the vehicle's longitudinal centerline, within ±10 mm (±0.4 in) of the seating reference point of the seat that it occupies. In the case of vehicles equipped with bucket seats, position the midsagittal plane of any front outboard dummy vertically such that it coincides with the longitudinal centerline of the seat cushion, within ±10 mm (±0.4 in). Position the dummy in a standing position on any front outboard passenger seat cushion facing the front

of the vehicle while placing the heels of the dummy's feet in contact with the seat back.

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S22.2.2.6 * * *

(a) In the case of vehicles equipped with bench seats and manually-operated driving controls, position the midsagittal plane of the dummy vertically and parallel to the vehicle's longitudinal centerline and the same distance from the vehicle's longitudinal centerline, within ±10 mm (±0.4 in), as the center of the steering control. For bench seats in vehicles without manually-operated driving controls, position the midsagittal plane of any front outboard dummy vertically and parallel to the vehicle's longitudinal centerline, within ±10 mm (±0.4 in) of the seating reference point of the seat that it occupies. In the case of vehicles equipped with bucket seats, position the midsagittal plane of any front outboard dummy vertically such that it coincides with the longitudinal centerline of the seat cushion, within ±10 mm (±0.4 in).

(b) Position the dummy in a kneeling position in any front outboard passenger vehicle seat with the dummy facing the front of the vehicle with its toes at the intersection of the seat back and seat cushion. Position the dummy so that the spine is vertical. Push down on the legs so that they contact the seat as much as possible and then release. Place the arms parallel to the spine.

* * * * *

S22.2.2.7 * * *

(a) In the case of vehicles equipped with bench seats and manually-operated driving controls, position the midsagittal plane of the dummy vertically and parallel to the vehicle's longitudinal centerline and the same distance from the vehicle's longitudinal centerline, within ±10 mm (±0.4 in), as the center of the steering control. For bench seats in vehicles without manually-operated driving controls, position the midsagittal plane of any front outboard dummy vertically and parallel to the vehicle's longitudinal centerline, within ±10 mm (±0.4 in) of the seating reference point of the seat that it occupies. In the case of vehicles equipped with bucket seats, position the midsagittal plane of any front outboard dummy vertically such that it coincides with the longitudinal centerline of the seat cushion, within ±10 mm (±0.4 in).

(b) Position the dummy in a kneeling position in any front outboard passenger vehicle seat with the dummy facing the rear of the vehicle. Position the dummy such that the dummy's head and torso are in contact with the seat back. Push down on the legs so that they contact the seat as much as possible and then release. Place the arms parallel to the spine.

* * * * *

S22.2.2.8 * * *

(a) Lay the dummy on any front outboard passenger vehicle seat such that the following criteria are met:

* * * * *

(6) The head of the dummy is positioned towards the nearest passenger door, and

* * * * *

S22.3 *Static tests of automatic suppression feature which shall result in activation of any front outboard passenger air bag system.*

S22.3.1 Each vehicle certified to this option shall comply in tests conducted with any front outboard passenger seating position at the mid-height, in the full rearward, and middle positions determined in S22.1.7.4, and the forward position determined in S16.3.3.1.8.

S22.3.2 Place a 49 CFR part 572 subpart O 5th percentile adult female test dummy at any front outboard passenger seating position of the vehicle, in accordance with procedures specified in S16.3.3 of this standard, except as specified in S22.3.1. Do not fasten the seat belt.

* * * * *

S22.4.2.2 Place the dummy in any front outboard passenger seat such that:

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S22.4.3.1 Place any front outboard passenger seat at the mid-height, in full rearward seating position determined in S22.1.7.4. Place the seat back, if adjustable independent of the seat, at the manufacturer's nominal design seat back angle for a 50th percentile adult male as specified in S8.1.3. Position any adjustable parts of the seat that provide additional support so that they are in the lowest or most open adjustment position. If adjustable, set the head restraint in the lowest and most forward position.

S22.4.3.2 Place the dummy in any front outboard passenger seat such that:

* * * * *

S22.4.4 Deploy any front outboard passenger frontal air bag system. If the frontal air bag system contains a multistage inflator, the vehicle shall be able to comply with the injury criteria at any stage or combination of stages or time delay between successive stages that could occur in a rigid barrier crash test at or below 26 km/h (16 mph), under the test procedure specified in S22.5.

* * * * *

S22.5.1 The test described in S22.5.2 shall be conducted with an unbelted 50th percentile adult male test dummy in the driver's seating position according to S8 as it applies to that seating position and an unbelted 5th percentile adult female test dummy either in any front outboard passenger vehicle seating position according to S16 as it applies to that seating position or at any fore-aft seat position on any passenger side.

* * * * *

S23.2.1 The vehicle shall be equipped with an automatic suppression feature for any front outboard passenger frontal air bag system which results in deactivation of the air bag during each of the static tests specified in S24.2 (using the 49 CFR part 572 subpart N 6-year-old child dummy in any of the child restraints specified in section D of appendix A or A–1 of this standard, as appropriate), and activation of the air bag system during each of the static tests specified in S24.3 (using the 49 CFR part 572 subpart O 5th percentile adult female dummy).

* * * * *

S23.2.3 The vehicle shall be equipped with a mechanism that indicates whether the air bag is suppressed, regardless of whether any front outboard passenger seat is occupied. The mechanism need not be located in the occupant compartment unless it is the telltale described in S23.2.2.

S23.3 *Option 2—Dynamic automatic suppression system that suppresses the air bag when an occupant is out of position.* (This option is available under the conditions set forth in S27.1.) The vehicle shall be equipped with a dynamic automatic suppression system for any front outboard passenger frontal air bag system which meets the requirements specified in S27.

S23.4 *Option 3—Low risk deployment.* Each vehicle shall meet the injury criteria specified in S23.5 of this standard when any front outboard passenger air bag is statically deployed in accordance with both of the low risk deployment test procedures specified in S24.4.

* * * * *

S23.6 *Motion suppression for vehicles with manually-operated driving controls that do not require a driver.* Each vehicle that is certified as complying with S14 shall not be capable of motion when a 6-year-old dummy is placed at the driver's seating position and the vehicle is in an operational state that does not require a driver.

S23.6.1 Motion suppression shall be assessed under the test procedures specified in S24.1 through S24.3, except

that the 6-year-old dummy is placed in the driver's seating position and the result shall be an inability of engage vehicle motion.

* * * * *

S24.1.2 Unless otherwise specified, each vehicle certified to this option shall comply in tests conducted with any front outboard passenger seating position at the mid-height, in the full rearward seat track position, the middle seat track position, and the full forward seat track position as determined in this section. Using only the control that primarily moves the seat in the fore and aft direction, determine the full rearward, middle, and full forward positions of the SCRP. Using any seat or seat cushion adjustments other than that which primarily moves the seat fore-aft, determine the SCRP mid-point height for each of the three fore-aft test positions, while maintaining as closely as possible, the seat cushion angle determined in S16.2.10.3.1. Set the seat back angle, if adjustable independent of the seat, at the manufacturer's nominal design seat back angle for a 50th percentile adult male as specified in S8.1.3. If the dummy contacts the vehicle interior, move the seat rearward to the next detent that provides clearance. If the seat is a power seat, move the seat rearward while assuring that there is a maximum of 5 mm (0.2 in) distance between the vehicle interior and the point on the dummy that would first contact the vehicle interior.

S24.1.3 Except as otherwise specified, if the booster seat has an anchorage system as specified in S5.9 of FMVSS No. 213 and is used under this standard in testing a vehicle with any front outboard passenger vehicle seat that has an anchorage system as specified in FMVSS No. 225, the vehicle shall comply with the belted test conditions with the restraint anchorage system attached to the FMVSS No. 225 vehicle seat anchorage system and the vehicle seat belt unattached. It shall also comply with the belted test conditions with the restraint anchorage system unattached to the FMVSS No. 225 vehicle seat anchorage system and the vehicle seat belt attached. The vehicle shall comply with the unbelted test conditions with the restraint anchorage system unattached to the FMVSS No. 225 vehicle seat anchorage system.

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S24.2 *Static tests of automatic suppression feature which shall result in deactivation of any passenger air bag.* Each vehicle that is certified as complying with S23.2 of FMVSS No. 208 shall meet the following test requirements with the child restraint in any front outboard passenger vehicle seat under the following conditions:

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S24.2.3 *Sitting back in the seat and leaning on any front outboard passenger door.*

(a) Place the dummy in the seated position in any front outboard passenger vehicle seat. For bucket seats, position the midsagittal plane of the dummy vertically such that it coincides with the longitudinal centerline of the seat cushion, within ±10 mm (±0.4 in). For bench seats in vehicles with manually-operated driving controls, position the midsagittal plane of the dummy vertically and parallel to the vehicle's longitudinal centerline and the same distance from the longitudinal centerline of the vehicle, within ±10 mm (±0.4 in), as the center of rotation of the steering control. For bench seats in vehicles without manually-operated driving controls, position the midsagittal plane of any front outboard dummy vertically and parallel to the vehicle's longitudinal centerline, within ±10 mm (±0.4 in) of the seating reference point of the seat that it occupies.

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S24.3 *Static tests of automatic suppression feature which shall result in activation of any front outboard passenger air bag system.*

S24.3.1 Each vehicle certified to this option shall comply in tests conducted with any front outboard passenger seating position at the mid-height, in the full rearward and middle positions determined in S24.1.2, and the forward position determined in S16.3.3.1.8.

S24.3.2 Place a 49 CFR part 572 subpart O 5th percentile adult female test dummy at any front outboard passenger seating position of the vehicle, in accordance with procedures specified in S16.3.3 of this standard, except as specified in S24.3.1. Do not fasten the seat belt.

* * * * *

S24.4.2.3 Place the dummy in any front outboard passenger seat such that:

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S24.4.3.1 Place any front outboard passenger seat at the mid-height full rearward seating position determined in S24.1.2. Place the seat back, if adjustable independent of the seat, at the manufacturer's nominal design seat back angle for a 50th percentile adult male as specified in S8.1.3. Position any adjustable parts of the seat that provide additional support so that they are in the lowest or most open adjustment position. Position an adjustable head restraint in the lowest and most forward position.

S24.4.3.2 Place the dummy in any front outboard passenger seat such that:

* * * * *

S24.4.4 Deploy any front outboard passenger frontal air bag system. If the frontal air bag system contains a multistage inflator, the vehicle shall be able to comply with the injury criteria at any stage or combination of stages or time delay between successive stages that could occur in a rigid barrier crash test at or below 26 km/h (16 mph), under the test procedure specified in S22.5.

* * * * *

S26.2.1 Adjust the steering controls so that the steering control hub is at the geometric center of the locus it describes when it is moved through its full range of driving positions. If there is no setting at the geometric center, position it one setting lower than the geometric center. Set the rotation of the steering control so that the vehicle wheels are pointed straight ahead.

S26.2.2 Mark a point on the steering control cover that is longitudinally and transversely, as measured along the surface of the steering control cover, within ±6 mm (±0.2 in) of the point that is defined by the intersection of the steering control cover and a line between the volumetric center of the smallest volume that can encompass the folded undeployed air bag and the volumetric center of the static fully inflated air bag. Locate the vertical plane parallel to the vehicle longitudinal centerline through the point located on the steering control cover. This is referred to as ''Plane E.''

* * * * *

S26.2.4.3 The dummy's thorax instrument cavity rear face is 6 degrees forward (toward the front of the vehicle) of the steering control angle (*i.e.,* if the steering control angle is 25 degrees from vertical, the thorax instrument cavity rear face angle is 31 degrees).

S26.2.4.4 The initial transverse distance between the longitudinal centerlines at the front of the dummy's knees is 160 to 170 mm (6.3 to 6.7 in), with the thighs and legs of the dummy in vertical planes.

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S26.2.5 Maintaining the spine angle, slide the dummy forward until the head/torso contacts the steering control.

* * * * *

S26.3.2 Adjust the steering controls so that the steering control hub is at the geometric center of the locus it describes when it is moved through its full range of driving positions. If there is no setting at the geometric center, position it one setting lower than the geometric center. Set the rotation of the

steering control so that the vehicle wheels are pointed straight ahead.

S26.3.3 Mark a point on the steering control cover that is longitudinally and transversely, as measured along the surface of the steering control cover, within ±6 mm (±0.2 in) of the point that is defined by the intersection of the steering control cover and a line between the volumetric center of the smallest volume that can encompass the folded undeployed air bag and the volumetric center of the static fully inflated air bag. Locate the vertical plane parallel to the vehicle longitudinal centerline through the point located on the steering control cover. This is referred to as ''Plane E.''

* * * * *

S26.3.4.3 The dummy's thorax instrument cavity rear face is 6 degrees forward (toward the front of the vehicle) of the steering control angle (*i.e.,* if the steering control angle is 25 degrees from vertical, the thorax instrument cavity rear face angle is 31 degrees).

* * * * *

S26.3.5 Maintaining the spine angle, slide the dummy forward until the head/torso contacts the steering control.

S26.3.6 While maintaining the spine angle, position the dummy so that a point on the chin 40 mm (1.6 in) ±3 mm (±0.1 in) below the center of the mouth (chin point) is, within ±10 mm (±0.4 in), in contact with a point on the steering control rim surface closest to the dummy that is 10 mm (0.4 in) vertically below the highest point on the rim in Plane E. If the dummy's head contacts the vehicle windshield or upper interior before the prescribed position can be obtained, lower the dummy until there is no more than 5 mm (0.2 in) clearance between the vehicle's windshield or upper interior, as applicable.

S26.3.7 If the steering control can be adjusted so that the chin point can be in contact with the rim of the uppermost portion of the steering control, adjust the steering control to that position. If the steering control contacts the dummy's leg(s) prior to attaining this position, adjust it to the next highest detent, or if infinitely adjustable, until there is a maximum of 5 mm (0.2 in) clearance between the control and the dummy's leg(s). Readjust the dummy's torso such that the thorax instrument cavity rear face is 6 degrees forward of the steering control angle. Position the dummy so that the chin point is in contact, or if contact is not achieved, as close as possible to contact with the rim of the uppermost portion of the steering control.

* * * * *

S27.5.2 Front outboard *passenger (49 CFR part 572 subpart P 3-year-old child dummy and 49 CFR part 572 subpart N 6-year-old child dummy).* Each vehicle shall meet the injury criteria specified in S21.5 and S23.5, as appropriate, when any front outboard passenger air bag is deployed in accordance with the procedures specified in S28.2.

* * * * *

S27.6.2 Front outboard *passenger.* The DASS shall suppress any front outboard passenger air bag before head, neck, or torso of the specified test device enters the ASZ when the vehicle is tested under the procedures specified in S28.4.

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S28.2 Front outboard *passenger suppression zone verification test (49 CFR part 572 subpart P 3-year-old child dummy and 49 CFR part 572 subpart N 6-year-old child dummies).* [Reserved]

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S28.4 Front outboard *passenger dynamic test procedure for DASS requirements.* [Reserved]

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■ 10. Amend § 571.214 by revising paragraphs S2, S5(c)(4), S8.3.1.3, S8.4, S10.2, S10.3.1, S10.3.2, S10.3.2.3, S10.5, S12.1.1 heading and paragraph (a)(1), paragraphs S12.1.2(a)(1), S12.1.3(a)(1), S12.2.1(c), S12.3.1(d), S12.3.2(a)(4) and (8), (a)(9)(ii) and (a)(10), and S12.3.3(a)(2) and (4) to read as follows:

§ 571.214 Standard No. 214; Side impact protection.

* * * * *

S2 *Applicability.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks with at least one designated seating position and buses with a gross vehicle weight rating (GVWR) of 4,536 kilograms (kg) (10,000 pounds (lb)) or less, except for walk-in vans, or otherwise specified.

* * * * *

S5 * * *

(c) * * *

(4) Vehicles in which the seat for the driver or any front outboard passenger has been removed and wheelchair restraints installed in place of the seat are excluded from meeting the vehicle-to-pole test at that position; and

* * * * *

S8.3.1.3 *Seat position adjustment.* If the driver and any front outboard passenger seats do not adjust independently of each other, the struck side seat shall control the final position of the non-struck side seat. If the driver and any front outboard passenger seats adjust independently of each other, adjust both the struck and non-struck side seats in the manner specified in S8.3.1.

* * * * *

S8.4 *Adjustable steering controls.* Adjustable steering controls are adjusted so that the steering control hub is at the geometric center of the locus it describes when it is moved through its full range of driving positions. If there is no setting detent in the mid-position, lower the steering control to the detent just below the mid-position. If the steering column is telescoping, place the steering column in the mid-position. If there is no mid-position, move the steering control rearward one position from the mid-position.

* * * * *

S10.2 *Vehicle test attitude.* When the vehicle is in its ''as delivered,'' ''fully loaded'' and ''as tested'' condition, locate the vehicle on a flat, horizontal surface to determine the vehicle attitude. Use the same level surface or reference plane and the same standard points on the test vehicle when determining the ''as delivered,'' ''fully loaded'' and ''as tested'' conditions. Measure the angles relative to a horizontal plane, front-to-rear and from left-to-right for the ''as delivered,'' ''fully loaded,'' and ''as tested'' conditions. The front-to-rear angle (pitch) is measured along a fixed reference on the left and right front occupant's door sills. Mark where the angles are taken on the door sills. The left to right angle (roll) is measured along a fixed reference point at the front and rear of the vehicle at the vehicle longitudinal center plane. Mark where the angles are measured. The ''as delivered'' condition is the vehicle as received at the test site, with 100 percent of all fluid capacities and all tires inflated to the manufacturer's specifications listed on the vehicle's tire placard. When the vehicle is in its ''fully loaded'' condition, measure the angle between the left front occupant's door sill and the horizontal, at the same place the ''as delivered'' angle was measured. The ''fully loaded condition'' is the test vehicle loaded in accordance with S8.1 of this standard (49 CFR 571.214). The load placed in the cargo area is centered over the longitudinal centerline of the vehicle. The vehicle ''as tested'' pitch and roll angles are between the ''as delivered'' and ''fully loaded'' condition, inclusive.

* * * * *

S10.3.1 *Driver and front outboard passenger seat set-up for 50th percentile male dummy.* The driver and front outboard passenger seats are set up as

specified in S8.3.1 of this standard, 49 CFR 571.214.

S10.3.2. *Driver and front outboard passenger seat set-up for 49 CFR part 572 Subpart V 5th percentile female dummy.*

* * * * *

S10.3.2.3 *Seat position adjustment.* If the driver and any front outboard passenger seats do not adjust independently of each other, the struck side seat shall control the final position of the non-struck side seat. If the driver and any front outboard passenger seats adjust independently of each other, adjust both the struck and non-struck side seats in the manner specified in S10.3.2.

* * * * *

S10.5 *Adjustable steering controls.* Adjustable steering controls are adjusted so that the steering control hub is at the geometric center of the locus it describes when it is moved through its full range of driving positions. If there is no setting detent in the mid-position, lower the steering control to the detent just below the mid-position. If the steering column is telescoping, place the steering column in the mid-position. If there is no mid-position, move the steering control rearward one position from the mid-position.

* * * * *

S12.1.1 *Positioning a Part 572 Subpart F (SID) dummy in the driver's seating position.*

(a) * * *

(1) For a bench seat. The upper torso of the test dummy rests against the seat back. The midsagittal plane of the test dummy is vertical and parallel to the vehicle's longitudinal centerline, and passes through the center of the steering control.

* * * * *

S12.1.2 *Positioning a Part 572 Subpart F (SID) dummy in any front outboard passenger seating position.*

(a) * * *

(1) For a bench seat. The upper torso of the test dummy rests against the seat back. The midsagittal plane of the test dummy is vertical and parallel to the vehicle's longitudinal centerline. For vehicles with manually-operated driving controls the midsagittal plane of the test dummy is the same distance from the vehicle's longitudinal centerline as would be the midsagittal plane of a test dummy positioned in the driver's seating position under S12.1.1(a)(1). For vehicles without manually-operated driving controls the midsagittal plane of the test dummy shall be vertical and parallel to the vehicle's longitudinal centerline, and passes through any front outboard passenger seat's SgRP.

* * * * *

S12.1.3 * * *

(a) * * *

(1) For a bench seat. The upper torso of the test dummy rests against the seat back. The midsagittal plane of the test dummy is vertical and parallel to the vehicle's longitudinal centerline, and, if possible, the same distance from the vehicle's longitudinal centerline as the midsagittal plane of a test dummy positioned in the driver's seating position under S12.1.1(a)(1) or left front passenger seating positioned under S12.1.2(a)(1) in vehicles without manually-operated driving controls. If it is not possible to position the test dummy so that its midsagittal plane is parallel to the vehicle longitudinal centerline and is at this distance from the vehicle's longitudinal centerline, the test dummy is positioned so that some portion of the test dummy just touches, at or above the seat level, the side surface of the vehicle, such as the upper quarter panel, an armrest, or any interior trim (*i.e.,* either the broad trim panel surface or a smaller, localized trim feature).

* * * * *

S12.2.1 * * *

(c) *Arms.* For the driver's seating position and for any front outboard passenger seating position, place the dummy's upper arms such that the angle between the projection of the arm centerline on the mid-sagittal plane of the dummy and the torso reference line is 40° ±5°. The torso reference line is defined as the thoracic spine centerline. The shoulder-arm joint allows for discrete arm positions at 0, 40, and 90 degree settings forward of the spine.

* * * * *

S12.3.1 * * *

(d) *Driver and any front outboard passenger dummy manual belt adjustment.* Use all available belt systems. Place adjustable belt anchorages at the nominal position for a 5th percentile adult female suggested by the vehicle manufacturer.

* * * * *

S12.3.2 * * *

(a) * * *

(4) Bench seats. Position the midsagittal plane of the dummy vertical and parallel to the vehicle's longitudinal centerline and aligned within ±10 mm (±0.4 in) of the center of the steering control rim.

* * * * *

(8) If needed, extend the legs slightly so that the feet are not in contact with the floor pan. Let the thighs rest on the seat cushion to the extent permitted by the foot movement. Keeping the leg and the thigh in a vertical plane, place the foot in the vertical longitudinal plane that passes through the centerline of the accelerator pedal. Rotate the left thigh outboard about the hip until the center of the knee is the same distance from the midsagittal plane of the dummy as the right knee ±5 mm (±0.2 in). Using only the control that moves the seat fore and aft, attempt to return the seat to the full forward position. If either of the dummy's legs first contacts the steering control, then adjust the steering control, if adjustable, upward until contact with the steering control is avoided. If the steering control is not adjustable, separate the knees enough to avoid steering control contact. Proceed with moving the seat forward until either the leg contacts the vehicle interior or the seat reaches the full forward position. (The right foot may contact and depress the accelerator and/or change the angle of the foot with respect to the leg during seat movement.) If necessary to avoid contact with the vehicle's brake or clutch pedal, rotate the test dummy's left foot about the leg. If there is still interference, rotate the left thigh outboard about the hip the minimum distance necessary to avoid pedal interference. If a dummy leg contacts the vehicle interior before the full forward position is attained, position the seat at the next detent where there is no contact. If the seat is a power seat, move the seat fore and aft to avoid contact while assuring that there is a maximum of 5 mm (0.2 in) distance between the vehicle interior and the point on the dummy that would first contact the vehicle interior. If the steering control was moved, return it to the position described in S10.5. If the steering control contacts the dummy's leg(s) prior to attaining this position, adjust it to the next higher detent, or if infinitely adjustable, until there is 5 mm (0.2 in) clearance between the control and the dummy's leg(s).

(9) * * *

(ii) *Vehicles with adjustable seat backs.* While holding the thighs in place, rotate the seat back forward until the transverse instrumentation platform angle of the head is level to within ±0.5 degrees, making sure that the pelvis does not interfere with the seat bight. (If the torso contacts the steering control, use S12.3.2(a)(10) before proceeding with the remaining portion of this paragraph.) If it is not possible to level the transverse instrumentation platform to within ±0.5 degrees, select the seat back adjustment position that minimizes the difference between the transverse instrumentation platform angle and level, then adjust the neck

bracket to level the transverse instrumentation platform angle to within ±0.5 degrees if possible. If it is still not possible to level the transverse instrumentation platform to within ±0.5 degrees, select the neck bracket angle position that minimizes the difference between the transverse instrumentation platform angle and level.

(10) If the torso contacts the steering control, adjust the steering control in the following order until there is no contact: Telescoping adjustment, lowering adjustment, raising adjustment. If the vehicle has no adjustments or contact with the steering control cannot be eliminated by adjustment, position the seat at the next detent where there is no contact with the steering control as adjusted in S10.5. If the seat is a power seat, position the seat to avoid contact while assuring that there is a maximum of 5 mm (0.2 in) distance between the steering control as adjusted in S10.5 and the point of contact on the dummy.

* * * * *

S12.3.3 * * *

(a) * * *

(2) Fully recline the seat back, if adjustable. Place the dummy into any passenger seat, such that when the legs are positioned 120 degrees to the thighs, the calves of the legs are not touching the seat cushion.

* * * * *

(4) Bench seats. Position the midsagittal plane of the dummy vertical and parallel to the vehicle's longitudinal centerline and the same distance from the vehicle's longitudinal centerline, within ±10 mm (±0.4 in), as the midsagittal plane of the driver dummy, if there is a driver's seating position. Otherwise, the midsagittal plane of any front outboard passenger dummy shall be vertical, parallel to the vehicle's longitudinal centerline, and pass, within ±10 mm (±0.4 in), through the seating reference point of the seating that it occupies.

* * * * *

11. Amend § 571.216a by revising paragraphs S3.1(a) introductory text and S7.1 to read as follows:

§ 571.216a Standard No. 216a; Roof crush resistance; Upgraded standard.

* * * * *

S3.1 * * *

(a) This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks with at least one designated seating position, and buses with a GVWR of 4,536 kilograms (10,000 pounds) or less, according to the implementation schedule specified in S8 and S9 of this section. However, it does not apply to—

* * * * *

S7.1 Support the vehicle off its suspension and rigidly secure the sills and the chassis frame (when applicable) of the vehicle on a rigid horizontal surface(s) at a longitudinal attitude of 0 degrees ±0.5 degrees. Measure the longitudinal vehicle attitude along both the left and right front sill. Determine the lateral vehicle attitude by measuring the vertical distance between a level surface and a standard reference point on the bottom of the left and right front side sills. The difference between the vertical distance measured on the left front side and the right front side sills is not more than ±10 mm. Close all windows, close and lock all doors, and close and secure any moveable roof panel, moveable shade, or removable roof structure in place over the occupant compartment. Remove roof racks or other non-structural components. For a vehicle built on a chassis-cab incomplete vehicle that has some portion of the added body structure above the height of the incomplete vehicle, remove the entire added body structure prior to testing (the vehicle's unloaded vehicle weight as specified in S5 includes the weight of the added body structure).

* * * * *

■ 12. Amend § 571.225 by revising the definition of ''Shuttle bus'' in paragraph S3 to read as follows:

§ 571.225 Standard No. 225; Child restraint anchorage systems.

* * * * *

S3. * * *

Shuttle bus means a bus with only one row of forward-facing seating positions rearward of the driver's seat or, for a vehicle without manually-operated controls, means a bus with only one row of forward-facing seating positions rearward of all front row passenger seats.

* * * * *

■ 13. Amend § 571.226 by:

■ a. Revising paragraph S2;

■ b. Removing from paragraph S3 the definition of ''Row''; and

■ c. Revising the definition of ''Modified roof'' in paragraph S3, and paragraphs S4.2.2, S6.1(d) and S6.1(f).

The revisions read as follows:

§ 571.226 Standard No. 226; Ejection Mitigation.

* * * * *

S2. *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks with at least one designated seating position, and buses with a gross vehicle weight rating of 4,536 kg or less, except walk-in vans, modified roof vehicles and convertibles. Also excluded from this standard are law enforcement vehicles, correctional institution vehicles, taxis and limousines, if they have a fixed security partition separating the 1st and 2nd or 2nd and 3rd rows and if they are produced by more than one manufacturer or are altered (within the meaning of 49 CFR 567.7).

S3. * * *

* * * * *

Modified roof means the replacement roof on a motor vehicle whose original roof has been removed, in part or in total, or a roof that has to be built over the occupant compartment in vehicles that did not have an original roof over the occupant compartment.

* * * * *

S4.2.2 Vehicles that have an ejection mitigation countermeasure that deploys in the event of a rollover must have a monitoring system with a readiness indicator. The indicator shall monitor its own readiness and must be clearly visible from the driver's designated seating position and clearly visible from any designated seating position if no driver's seating position is occupied or present. The same readiness indicator required by S4.5.2 of FMVSS No. 208 may be used to meet the requirement. A list of the elements of the system being monitored by the indicator shall be included with the information furnished in accordance with S4.2.3.

* * * * *

S6.1 * * *

(d) Pitch: Measure the sill angle of the left front door sill and mark where the angle is measured.

* * * * *

(f) Support the vehicle off its suspension such that the left front door sill angle is within ±1 degree of that measured at the marked area in S6.1(d) and the vertical height difference of the two points marked in S6.1(e) is within ±5 mm of the vertical height difference determined in S6.1(e).

* * * * *

Issued in Washington, DC, under authority delegated in 49 CFR 1.95 and 501.4.

James Clayton Owens,

Acting Administrator.

[FR Doc. 2020–05886 Filed 3–27–20; 8:45 am]

BILLING CODE 4910–59–P

FEDERAL REGISTER

Vol. 85 Monday,
No. 61 March 30, 2020

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Parts 91, 111, et al.
Pilot Records Database; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91, 111, 121, 125, and 135

[Docket No.: FAA–2020–0246; Notice No. 20–05]

RIN 2120–AK31

Pilot Records Database

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA is proposing to require the use of an electronic Pilot Records Database (PRD) and implement statutory requirements. The PRD would be used to facilitate the sharing of pilot records among air carriers and other operators in an electronic data system managed by the FAA. Air carriers, specific operators holding out to the public, entities conducting public aircraft operations, air tour operators, fractional ownerships, and corporate flight departments would be required to enter relevant data on individuals employed as pilots into the PRD, and this would be available electronically to those entities. In addition, this proposal identifies all air carriers, fractional ownerships, and some other operators or entities that would be required to access the PRD and evaluate the available data for each pilot candidate prior to making a hiring decision.

DATES: Send comments on or before June 29, 2020.

ADDRESSES: Send comments identified by docket number [FAA–2020–0246] using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Christopher Morris, 3500 S MacArthur Blvd., ARB301, Oklahoma City, Oklahoma 73179; telephone (405) 954–4646; email *christopher.morris@faa.gov.*

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SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code (49 U.S.C.). This rulemaking is promulgated under the general authority described in 49 U.S.C. 106(f), which establishes the authority of the Administrator to promulgate regulations and rules, and the specific authority provided by § 203 of the Airline Safety and Federal Aviation Administration Extension Act of 2010 (''the PRD Act''), codified at 49 U.S.C. 44703(h)–(j). The PRD Act identifies several rulemaking requirements.

The PRD Act requires the Administrator to promulgate regulations to establish an electronic pilot records database containing records from the FAA and records maintained by air carriers and other operators that employ pilots. At a minimum, air carriers and operators employing pilots must report ''records that are generated by the air carrier or other person after [August 1, 2010,]'' as well as ''records that the air carrier or other person [was] maintaining, on [August 1, 2010],'' on any person employed as a pilot.[1] The PRD Act also requires air carriers to access the database and evaluate any relevant records maintained therein pertaining to an individual before allowing that individual to begin service as a pilot.

The FAA is further required to issue regulations to protect and secure the personal privacy of any individual whose records are accessed in the new electronic database; to protect and secure the confidentiality of those records; and, to prevent further dissemination of those records once accessed by an air carrier. The PRD Act also requires the implementing regulations to prescribe a timetable for the implementation of the PRD as well as a schedule for sunsetting the Pilot Records Improvement Act of 1996.

I. Overview of the Proposal

This proposed rule would require all Title 14, Code of Federal Regulations (14 CFR) part 119 certificate holders, fractional ownership programs, persons authorized to conduct air tour operations in accordance with § 91.147,[2] persons operating a corporate flight department, and governmental entities conducting public aircraft operations (collectively referred to as ''covered entities'') to report relevant records to an electronic pilot record database (PRD) managed by the FAA.

Currently, the FAA, air carriers and other operators maintain pilot records pursuant to the statutory requirements contained in the Pilot Records Improvement Act (PRIA).[3] The FAA maintains records related to airman certificates and legal enforcement actions that result in a finding of a violation that was not subsequently overturned. Air carriers and other operators maintain records related to pilot training and qualification, final disciplinary actions, final separation from employment actions, and drug and alcohol testing. Currently, under PRIA, an employer is required to have a candidate for employment as a pilot complete a series of paper forms. Some of the forms are mailed to the previous employers to request copies of any available records as specified by PRIA. Another form is submitted to the FAA to request the FAA records as specified by PRIA. The FAA typically processes the requests and provides the appropriate records within 3 business days. These records may be provided via mail or email. The FAA processes approximately 20,000 individual requests per year. The FAA does not have an estimate for how many records requests are exchanged between employers annually. FAA currently co-locates its PRIA records in an electronic database called the PRD, which was created with funds appropriated by Congress and is in beta testing. Air carriers and other operators share their records with each other in accordance with a manual, paper-based process. Congress mandated the creation of a fully electronic database for all of these records collectively, which was the genesis for this rulemaking.

The proposal does not impose new substantive recordkeeping requirements on air carriers or operators. Rather, the proposal would require that covered entities report specific data to the PRD from records that are required to be kept pursuant to regulations, or from records that are otherwise kept by covered entities in their role as an employer. When this rule is finalized, the current PRD, which is currently populated with FAA records, will also be populated with air carrier and operator airman records. Air carriers and other operators would be required to electronically transfer into the PRD historical records they currently maintain (in accordance with statutory requirements) as well as new records they create in the future. The PRD would contain the required air carrier, operator, and FAA records for

[1] 49 U.S.C. 44703(i)(4)(B)(ii). Also, § 44703(h)(4) states that ''the Administrator and air carriers shall maintain pilot records described in paragraphs (1)(A) and (1)(B) for a period of at least 5 years.''

[2] Hereafter referred to as ''air tour operators'' for the purposes of this preamble.

[3] 49 U.S.C 44702(h)

the life of the pilot and would be permitted to be used only as a hiring tool in an air carrier or operator's decision-making process for pilot employment. Pilot consent would be time-limited to a designated air carrier to view that pilot's records. Air carriers cannot search PRD broadly—the system would limit them to a specific individual's records only if the pilot gives consent and the consent period is still in effect.

All air carriers and operators would be required to continue to comply with the PRIA until two years and 90 days after the publication of the final rule that follows this proposal. As a result, for a period of time air carriers and operators would have to comply with both the PRIA record retention requirements and the PRD reporting requirements. All air carriers and operators that are subject to the reporting requirements in this proposal would be required to begin entering specific pilot records within one year of the publication date of the final rule. Air carriers and operators employing pilots would be required to input all historical records into the PRD within two years of the publication date of the final rule. Finally, PRIA would cease to be effective two years and 90 days after publication of the final rule, as set forth in statute.

A. Summary of Current PRIA Requirements, the PRD Act, and Proposed Requirements for the PRD

The establishment of the PRD would eventually phase out the current PRIA request process. In addition, the FAA proposes to add certain additional requirements that are responsive to the mandates in Public Law 111–216 section 206, as well as beneficial from a safety perspective. The following table summarizes the current recordkeeping and reporting requirements under PRIA, the requirements imposed by legislation, and the key recordkeeping and reporting requirements of this proposal.

Subject	Current PRIA requirements	The PRD Act	NPRM
Accessibility	Physical and Electronic	Electronic	Electronic.
Affected Entities	Part 119 certificate holders, governmental entities conducting public aircraft operations, air tour operators, and fractional ownership programs.	Part 119 certificate holders, governmental entities conducting public aircraft operations, and other persons.	Part 119 certificate holders, air tour operators, fractional ownership programs, corporate flight departments, and governmental entities conducting public aircraft operations.
FAA Records	Current airman certificates with associated type ratings and limitations; current airman medical certificate, including any limitations; and summaries of FAA legal enforcement actions resulting in a finding by the Administrator of a violation that was not subsequently overturned.	Current airman certificates with associated type ratings and limitations; current airman medical certificate, including any limitations; any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under 14 CFR part 61; and summaries of FAA legal enforcement actions resulting in a finding by the Administrator of a violation that was not subsequently overturned.	Current airman certificates with associated type ratings and limitations; current airman medical certificate, including any limitations; any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under 14 CFR part 61; and summaries of FAA legal enforcement actions resulting in a finding by the Administrator of a violation that was not subsequently overturned; accident and incident information.
Air Carrier and Operator Records.	Records maintained in accordance with appendices I and J to part 121, section VI paragraph (A) (drug and alcohol testing records); § 121.683, § 125.401; and § 135.63(a)(4) (crewmember records), excluding records related to flight time, duty time, and rest time, disciplinary action records not subsequently overturned; separation from employment records; national driver register records, as required in accordance with PRIA's implementing statute.	Records maintained in accordance with § 120.211(a) (drug and alcohol testing records); § 121.683, § 125.401, and § 135.63(a)(4) (crewmember records), excluding records related to flight time, duty time, and rest time; disciplinary action records not subsequently overturned; separation from employment records; national driver register records.	Records proposed to be reported to the FAA in accordance with § 111.215 (drug and alcohol testing records); § 111.220 (training, qualification, and proficiency records); § 111.225 (disciplinary action records); § 111.230 (separation from employment records); § 111.240 (verification of motor vehicle driving record search and evaluation); and § 111.265 (historical record reporting).
National Driver Register Search.	Required in accordance with Public Law 104–264, Section 502.	Required	Required.
User Fee	Industry established	Reasonable charges by the FAA for processing requests and furnishing copies.	Fee per record accessed by an air carrier or operator.
Timeframe of Records Documented.	Previous five years from the date of request as required in accordance with Public Law 104–264, Section 502.	(1.) Part 121 and 135 air carrier records dating back to August 1, 2005 through the life of the pilot; (2.) Part 125 and 135 operator records dating back to August 1, 2010 through the life of the pilot; and, (3.) FAA records dating back to August 1, 2010, through the life of the pilot.	(1.) Part 121 and 135 air carrier records dating back to August 1, 2005, through the life of the pilot or 99 years, whichever is less; (2.) Part 125 and 135 operator as well as 91K fractional ownership records dating back to August 1, 2010 through the life of the pilot or 99 years, whichever is less; and, (3.) FAA records dating back to August 1, 2010, through the life of the pilot.
Timeline for Records to be Reported to a Hiring Air Carrier or Operator.	Within 30 days as required in accordance with Public Law 104–264, Section 502.	Promptly	Reported to the PRD within 30 days of the reportable event and available for review immediately.

Subject	Current PRIA requirements	The PRD Act	NPRM
Compliance Schedule.	In effect	Established by the FAA Administrator	(1.) One year after the publication of the final rule—report present and future records; access and evaluate records in the PRD, subject to a user fee. (2.) Two years after the publication of the final rule—report historical records. (3.) Two years and 90 days after the publication of the final rule—sunset of PRIA.

B. Summary of the Costs and Benefits of This Proposed Rule

The FAA estimated quantified costs and savings of this proposed rule. After the effective date of the final rule that follows this proposal, air carriers and other operators would incur costs to report pilot records to the PRD, and to train and register as users of the PRD. Air carriers would also receive cost savings once PRIA is phased out. The FAA would incur costs of the proposed rule related to the operations and maintenance of the PRD.

Over a 10-year period of analysis from 2021 through 2030,[4] the FAA estimates the proposed rule would result in present value net costs to industry and the FAA of about $12.8 million or $1.8 million annualized using a 7% discount rate. Using a 3% discount rate, the proposed rule would result in present value net costs of about $11.5 million over the same 10-year period or about $1.4 million annualized.

However, the FAA estimates industry would receive a net cost savings from the proposed rule from the discontinuance of PRIA. Over the same 10-year period, the present value net cost savings of the proposed rule to industry are about $2.6 million or $0.4 million annualized using a 7% discount rate. Using a 3% discount rate, the proposed rule would have a present value net cost savings to industry of about $7.0 million over the same 10-year period or about $0.8 million annualized.

In addition to future regulatory costs, the FAA has incurred costs to develop the PRD since 2010.[5] From 2010 through 2020, the FAA estimates the present value PRD development costs are about $14.1 million or $1.5 million annualized using a 7% discount rate. Using a 3% discount rate, the present value PRD development costs are about $18.0 million over the same period or about $2.4 million annualized.

Therefore, the FAA estimates the total impacts of this regulatory action over a 21-year period of analysis from 2010 through 2030 that includes PRD development costs before the effective date of the final rule and future PRD regulatory impacts after the effective date of the final rule. Over this 21-year time period, this regulatory action would result in present value net costs of about $30.8 million or $2.8 million annualized using a 7% discount rate. Using a 3% discount rate, this regulatory action would result in present value net costs of about $25.6 million over the 21-year period of analysis or about $1.7 million annualized.

This rulemaking also proposes a user fee to be applied to costs related to the operations and maintenance of the PRD beginning one year after the effective date of the final rule. Government fees and taxes are considered transfer payments per OMB Circular A–4 and are not considered a societal cost. These transfers are reported separately from the costs and cost savings of this proposed rule. The proposed PRD user fee would effectively be a transfer payment from industry to the FAA to cover the FAA's PRD operation and maintenance (O&M) costs. The FAA estimates the 10-year present value of the user fees to be about $13.2 million or $1.9 million annualized using a 7% discount rate, reflecting the FAA's underlying O&M costs. Using a 3% discount rate, the total present value of the user fees would be about $16.3 million over 10 years or about $1.9 million annualized.

This proposed rule would enhance aviation safety by assisting air carriers in making informed hiring and personnel management decisions using the most accurate and complete pilot records available and electronically accessible. The database created by the proposed rule would contain information maintained by the FAA concerning current airman certificates with any associated type ratings and current medical certificates, including any limitations or restrictions to those certificates, airman practical test failures, and summaries of legal enforcement actions. The PRD would contain air carrier, operator, and FAA records on an individual's performance as a pilot that could be used as a hiring tool in an air carrier's decision-making process for pilot employment. These records would remain in the PRD for the life of the pilot.

II. Background

A. Statement of the Problem

The Pilot Records Improvement Act (PRIA)[6] was enacted in 1997 in response to a series of air carrier accidents attributed to pilot error.[7] The National Transportation Safety Board (NTSB) found that although the pilots had a history of poor training performance or other indicators of impaired judgment, their backgrounds had not been investigated by their current employers.

Two accidents following the enactment and implementation of PRIA led the NTSB to make additional findings and recommendations regarding pilot record retention, the sharing of information related to pilot

[4] For this preliminary analysis, the FAA assumes the effective date of the final rule to be in calendar year 2021 with the 10-period of analysis of future regulatory impacts to be 2021 through 2030.

[5] On August 1, 2010, Congress directed the Administrator to establish the PRD (Pub. L. 111–216, Section 203 (49 U.S.C. 44703(i)).

[6] Public Law 104–264, § 502; 110 Stat. 3259. The requirements of PRIA were initially codified at 49 U.S.C. 44936, and PRIA became effective on February 7, 1997. Substantive amendments were made to PRIA on December 5, 1997 (Pub. L. 105–142; 111 Stat. 2650) and April 5, 2000 (Pub. L. 106–181; 114 Stat. 61). Currently the PRIA requirements are codified at 49 U.S.C. 44703(h) and (j).

[7] Congressional Committee report dated October 31, 1997 (H.R. Rep. 105–372), explained certain clarifying amendments made to PRIA in Public Law 105–142 (H.R. 2626; Dec. 5, 1997), listed the following accidents as evidence supporting the enactment of PRIA: Continental Airlines flight 1713 (November 15, 1987); Trans-Colorado flight 2286 (January 19, 1988); AV Air flight 3378 (February 19, 1988); Aloha Island Air flight 1712 (October 28, 1989); Scenic Air flight 22 (April 22, 1992); Express II flight 5719 (December 1, 1993); and American Eagle flight 3379 (December 13, 1994). All of these operators held a part 119 air carrier certificate, and most of these flights were operated under part 135, except Continental Airlines flight 1713, which was operated under part 121.

performance among air carriers and operators, and the review of previous performance records by air carriers. On July 13, 2003, Air Sunshine Incorporated flight 527 (d/b/a Tropical Aviation Services, Inc.) ditched in the Atlantic Ocean about 7 nautical miles west-northwest of Treasure Cay Airport (MYAT), Bahamas, after an in-flight failure of the right engine. The flight was operating under the provisions of 14 CFR part 135 as a scheduled international, passenger-commuter flight. Out of the nine total passengers, two passengers died after evacuating the airplane and five passengers sustained minor injuries. The pilot sustained minor injuries, and the airplane sustained substantial damage.

The NTSB determined that ''the probable cause of the accident was the in-flight failure of the right engine and the pilot's failure to adequately manage the airplane's performance after the engine failed.'' [8] The NTSB also found that ''the pilot had a history of below-average flight proficiency, including numerous failed flight tests, before the flight accident, which contributed to his inability to maintain maximum flight performance and reach land after the right engine failed.'' [9]

In response to the Air Sunshine 527 accident, the NTSB issued recommendation A–05–01, which advised the FAA to require all ''part 121 and 135 air carriers to obtain any notices of disapproval for flight checks for certificates and ratings for all pilot-applicants and evaluate this information before making a hiring decision.'' [10] The NTSB recognized the importance of validating FAA ratings and certifications, as required by PRIA, but noted that ''additional data contained in FAA records, including records of flight check failures and rechecks, would be beneficial for a potential employer to review and evaluate.'' The NTSB acknowledged that while ''a single notice of disapproval for a flight check, along with an otherwise successful record of performance, should not adversely affect a hiring decision,'' a history of ''multiple notices of disapproval for a flight check might be significant[. . .] and should be evaluated before a hiring decision is made.'' There is not likely a single algorithm which can tell the potential employer if they should hire a pilot based on a ratio of satisfactory and unsatisfactory flight checks.[11] However, providing this information about the airman would assist the potential employer in developing a more complete picture of that airman's overall performance as a pilot.

On February 12, 2009, Colgan Air, Inc. flight 3407 (d/b/a Continental Connection), crashed into a residence in Clarence Center, NY, about 5 nautical miles northeast of the Buffalo-Niagara International Airport, New York resulting in the death of all 49 passengers on board and one person on the ground. The flight was operated under 14 CFR part 121.

The NTSB determined that ''the probable cause of this accident was the captain's inappropriate response to activation of the stick shaker, which led to an aerodynamic stall from which the airplane did not recover.'' [12] Contributing factors included: ''(1) The flightcrew's failure to monitor airspeed in relation to the rising position of the low-speed cue, (2) the flightcrew's failure to adhere to sterile cockpit procedures, (3) the captain's failure to effectively manage the flight, and (4) Colgan Air's inadequate procedures for airspeed selection and management during approaches in icing conditions.'' [13]

Additional safety issues identified by the NTSB in the Colgan Air 3407 accident report included certain deficiencies in the air carrier's recordkeeping system, as well as the air carrier's analysis of the flightcrew's qualifications and previous performance. Specifically, Colgan Air's records showed that the captain had failed his initial proficiency check on the Saab 340 on October 15, 2007, received additional training, and passed his upgrade proficiency check on October 18, 2007. In addition to this particular failed check at Colgan, the NTSB stated that the captain failed his practical tests for the instrument rating (airplane category) on October 1, 1991; the commercial pilot certificate (single-engine land airplane) on May 14, 2002; and required additional training in three separate training events while a first officer at Colgan. The NTSB deemed these discrepancies in the captain's training records as noteworthy because the captain had demonstrated previous training difficulties during his tenure at Colgan Air.

As a result of its investigation, the NTSB issued recommendation A–10–19, which provided that the FAA require all ''part 121, 135, and 91K operators to provide the training records requested in Safety Recommendation A–10–17 to hiring employers to fulfill their requirement under PRIA.'' Safety Recommendation A–10–17 advises the FAA to require all ''part 121, 135, and 91K operators to document and retain electronic and/or paper records of pilot training and checking events in sufficient detail so that the carrier and its principal operations inspector can fully assess a pilot's entire training performance.'' [14]

In the Colgan Air 3407 final aircraft accident report, the NTSB noted the issuance of Safety Recommendation A–05–01 as a result of the Air Sunshine 527 accident. The NTSB indicated its continued recommendation that airman certification information concerning previous notices of disapproval should be included in an air carrier's assessment of the suitability of a pilot-applicant. The NTSB also indicated that notices of disapproval should be considered safety-related records that must be included in an air carrier's evaluation of a pilot's career progression. While recognizing that the FAA had revised *Advisory Circular (AC) 120–68: The Pilot Records Improvement Act of 1996* [15] to indicate that the hiring employer may, at its discretion, request a record of an individual's notices of disapproval for flight checks from the FAA,[16] the NTSB advised that a more permanent action through rulemaking would ensure that air carriers be required to obtain and evaluate notices of disapprovals for pilot-applicants.

This proposed rule both implements requirements of the PRD Act and responds to several open NTSB recommendations. First, consistent with NTSB recommendation A–05–01, the FAA proposes to require all air carriers and operators to access and evaluate an individual's records in the PRD before making a hiring decision. These records would include any notices of disapproval that the individual received during a practical test attempt for a certificate or rating. The FAA would upload data processed in the

[8] *See* NTSB Report AAR–04/03 (Adopted October 13, 2004) at page 47, which can be obtained at *http://www.ntsb.gov/investigations/AccidentReports/Reports/AAR0403.pdf.*

[9] *See* NTSB Report AAR–04/03 at page 43.

[10] The January 27, 2005, safety recommendation letter may be accessed at *http://www.ntsb.gov/safety/safety-recs/RecLetters/A05_01_02.pdf.*

[11] The purpose of flight checks is to validate certificates and ratings—they were not originally developed to inform hiring decisions. Accordingly, the FAA has not conducted research to document their relationship to general pilot performance.

[12] *See* NTSB Report AAR–10/01 (adopted February 2, 2010) at page 155, which can be obtained at *http://www.ntsb.gov/investigations/AccidentReports/Reports/AAR1001.pdf.*

[13] *See* NTSB Report AAR–10/01 at page 155.

[14] By letter dated February 21, 2014, the NTSB reported that ''pending implementation of the PRD, including guidance about when comments are needed in PRD entries, Safety Recommendation A–10–17 remains classified Open—Acceptable Response.''

[15] Including subsequent updates and revisions.

[16] *See* AC 120–68F, paragraph 3–8, Note.

Certification Airmen Information System (CAIS) on a nightly basis to ensure both air carriers and operators have the most accurate and up-to-date information to make an informed hiring decision. Second, consistent with A–10–17 and A–10–19, the FAA proposes to require air carriers and operators to enter relevant information into the PRD in a standardized format. This information is intended to help an air carrier to make an informed hiring decision.

B. History of PRIA and PRD

Following the Colgan Air 3407 accident, Congress enacted the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Pub. L. 111–216; August 1, 2010).[17] Section 203 of the PRD Act required the FAA to establish an electronic pilot records database and provided for the subsequent sunset of PRIA. Additionally, Congress has since enacted the FAA Extension, Safety, and Security Act of 2016 (FESSA) (Pub. L. 114–190; July 15, 2016). Section 2101 of FESSA required the FAA to establish an electronic pilot records database by April 30, 2017. This proposed rule implements those statutory mandates.

1. Current Elements of PRIA

a. Pilot Employment Background

As previously mentioned, Congress enacted PRIA to ensure that air carriers adequately investigate an individual's employment background and other information pertaining to the individual's performance as a pilot before allowing that individual to serve as a flight crewmember in air carrier operations. PRIA requires a hiring air carrier to obtain records from three distinct sources utilizing standardized forms including: (1) Current and previous air carriers or operators that had employed the individual as a pilot, (2) the FAA, and (3) the National Driver Register (NDR).

The records that must be requested by a hiring air carrier and provided by a pilot's current and previous employers in response to a PRIA request include all records kept pursuant to particular provisions of Title 14, Code of Federal Regulations related to maintaining current crewmember records and drug and alcohol testing records,[18] excluding records related to flight time, duty time, and rest time. Also required to be in the PRIA request are ''any other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning the following: (1) The training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check pilot; (2) any disciplinary action taken with respect to the individual that was not subsequently overturned; and (3) any release from employment or resignation, termination, or disqualification with respect to employment.''

In accordance with PRIA, an air carrier must request records related to the individual for ''the 5-year period preceding the date of the employment application of the individual.'' No person is permitted to furnish records in response to a PRIA request ''if the record was entered more than 5 years before the date of the request, unless the information concerns a revocation or suspension of an airman certificate or motor vehicle license that is in effect on the date of the request.'' The FAA and previous air carrier and/or operators are required to retain all pilot records which would be furnished in response to a PRIA request, except NDR-related records, for a period of at least 5 years. PRIA permits an air carrier or other person who receives a request for records under PRIA to ''establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.'' [19]

The records furnished in response to a PRIA request are commonly used as a ''validation'' tool, rather than a research, screening, or selection tool.[20] Many employers will hire a pilot and then ensure all records are received prior to permitting the pilot to begin service because the PRIA process can take an extensive amount of time.

b. Pilot Rights and Protection in Accordance With PRIA

Since records provided in accordance with PRIA may affect an individual's future employment status as a pilot with an air carrier, the hiring air carrier must ''obtain written consent to the release of those records from the individual that is the subject of the records requested.'' [21] The air carrier is permitted to ''require the individual. . . to execute a release from liability for any claim arising from the furnishing of such records to or the use of such records by such air carrier (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).'' If an individual seeking employment as a pilot with the air carrier refuses to provide written consent to obtain the subject's records or refuses to execute a release from liability, an air carrier may refuse to hire that individual as a pilot, and no action or proceeding may be brought against the air carrier as a result. Notably, an air carrier receiving records in response to a PRIA request must ''take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.'' [22]

Records obtained from the various sources required in accordance with PRIA may only be used by an air carrier to assess the qualifications of the individual in deciding whether to hire the individual as a pilot. Therefore, a person who receives a request for records under PRIA must ''provide to the individual who is the subject of the records . . . written notice of the request and of the individual's right to receive a copy of such records'' as well as a copy of such records, if requested by the individual.[23] Accordingly, PRIA requires the current or previous employer to ''make available, within a reasonable time, but not later than 30 days after the date of the request, to the pilot for review, any and all employment records . . . pertaining to the employment of the pilot'' that are maintained by the air carrier and subject to being furnished in response to a PRIA request.[24] The subject of the records must also be given the ''reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before an air carrier makes a final hiring decision with respect to the individual.'' [25]

c. FAA Guidance for Compliance With PRIA

The provisions of PRIA were self-implementing and the FAA's role in the PRIA process was limited; therefore, the FAA did not develop implementing regulations. The FAA issued Advisory Circular (AC) 120–68: Pilot Records Improvement Act of 1996 to provide guidance material for air carriers, operators and pilots regarding compliance with the PRIA statute. AC

[17] Referred to as ''the PRD Act'' for the remainder of this NPRM.

[18] § 121.683; paragraph (A), of section VI of appendix I to part 121 and paragraph (A), of section VI of appendix J to part 121;1 § 125.401; and, § 135.63(a)(4).

[19] § 44703(h)(7).

[20] Report from the PRD ARC, page 12. Available at *https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/PRDARC-2032011.pdf.*

[21] § 44703(h)(5).

[22] § 44703(h)(11).

[23] § 44703(h)(6).

[24] § 44703(h)(10).

[25] § 44703(h)(9).

120–68 contains information for FAA inspectors as well as for air carriers and operators that must comply with PRIA requirements. The FAA has developed and made available on its website additional PRIA-related information to further facilitate compliance with the statutory requirements.[26]

Under PRIA, and as described in AC 120–68, every request for records pursuant to PRIA involves three parties: The potential employer, the past employer, and the pilot-applicant. When an individual seeks employment as a pilot for an air carrier, the hiring air carrier initiates the process to request and receive all relevant records as required under PRIA. The hiring air carrier completes its part of the forms for requesting records from current and past employers, the FAA, and the NDR, and the pilot-applicant completes the necessary forms to provide written consent for the release of his or her PRIA-related records before the hiring entity can send the records requests forward to the appropriate respondent(s). The pilot-applicant's completion of these forms satisfies the PRIA requirement that a pilot receive written notice that a request for his or her records was made. A pilot-applicant is also entitled to a copy of all records provided to the hiring carrier under PRIA.

4. History of the Pilot Records Database

a. Pilot Records Database Aviation Rulemaking Committee

In response to the mandate of Sec. 203 of Public Law 111–216, the FAA Administrator chartered the PRD Aviation Rulemaking Committee (ARC) on February 3, 2011.[27] The purpose of the ARC was to assemble a broad cross-section of entities involved in pilot records and safety to develop recommendations for the FAA on the best way to implement an electronic PRD. Participants included representatives from the aviation industry, professional associations, organized labor, safety organizations, as well as FAA representatives.

Specifically, the ARC examined where the data for the PRD should be maintained; what information should be kept in the new database; who would have access to the information and what methods would be used to make the information accessible; methods for the timely transfer of relevant information to the database on an ongoing basis; methods to safeguard the data; establishing a written consent/release from liability process; developing a common process for air carriers to handle disputes by pilots concerning the accuracy of PRD entries; developing common definitions and terms for PRD users; determining a suitable structure for data tables to maintain training, qualification, employment action, and NDR records required by this legislation; and methods to initially load the database with historical records.

The PRD ARC submitted a final report to the Associate Administrator for Aviation Safety on July 29, 2011. A complete copy of the report, including ARC recommendations, dissenting recommendations, and a list of participating organizations has been placed in the public docket for this rulemaking.[28]

The ARC focused primarily on proposals for implementing the PRD in a manner that would most enhance aviation safety for the flying public, but did not necessarily consider whether the recommendations would meet congressional intent. Thus, the ARC made certain recommendations contrary to the plain language of the PRD Act. The ARC Report also explicitly stated that certain congressionally mandated requirements were left to be interpreted by the FAA at a later date.[29]

b. Electronic Database Development

In advance of this rulemaking, the FAA determined it prudent to move its PRIA records to an electronic pilot record database, also called the PRD.[30]

In September 2015, the FAA initiated a phased approach to establish the PRD. During the initial implementation stages, the PRD will only include FAA records, as required by PRIA. Upon adopting a final rule in this rulemaking proceeding, the PRD would include not only the FAA records mandated under PRIA, but also the employer records mandated by Section 203 of the PRD Act.

The phased approach was developed to provide direct, uninterrupted access to FAA pilot records to air carriers and operators required to comply with PRIA. The FAA records, such as pilot certification and failed practical tests, would be available for an air carrier or operator to make an informed hiring decision. Implementing the FAA records portion of the PRD is an important step in fulfilling the objective that Congress articulated in the PRD Act. It allows the FAA to have at least one portion of the database ready for use on when the rule is effective and to allow air carriers to familiarize themselves with that process.

c. Related Actions to the Pilot Records Database

Following the Colgan Air 3407 accident, the FAA issued a Call to Action on Airline Safety and Pilot Training, which began with a meeting on June 15, 2009 (including participants from the FAA, airlines and labor organizations), to specify concrete actions and to elicit voluntary commitments from industry.[31] As a result of that meeting, the FAA published an Airline Safety and Pilot Training Action Plan [32] that included a number of key initiatives including a focused review of air carrier flight crewmember training, qualification, and management practices. In addition, the FAA released an updated version of the PRIA AC 120–68E on July 2, 2010, incorporating elements from the Plan.

The FAA also published an Information for Operators (InFO) [33] on August 15, 2011 (InFO 11014), advising all operators that conduct operations in accordance with part 91, 121, 125, and 135 to indefinitely retain any records on pilots employed in those operations.[34] The FAA published a second InFO on March 13, 2014 (InFO 14005), further reminding the regulated entities of their responsibility to retain pilot records dating back as early as August 1, 2005.[35] To verify that air carriers and operators that employ pilots are retaining pilot records in accordance with PRIA for future inclusion in the database, the

[26] *See http://www.faa.gov/pilots/lic_cert/pria.*

[27] The PRD ARC charter may be found at *http://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/PRD.ARC.cht.20110203.pdf.*

[28] A copy of the complete final ARC report will be placed in the docket for this rulemaking and is also available at *https://www.faa.gov/regulations_policies/rulemaking/committees/documents/index.cfm/document/information?documentID=312.*

[29] *https://www.faa.gov/regulations_policies/rulemaking/committees/documents/index.cfm/document/information?documentID=312.*

[30] The FAA was appropriated ''under section 106(k)(1) of the PRD Act and codified at U.S.C. 44703(i)(14), a total of $6,000,000 for fiscal years 2010 through 2013'' in order to establish a pilot records database.

[31] A final report, dated January 2010, ''Answering the Call to Action on Airline Safety and Pilot Training'' is available at: *http://www.faa.gov/news/updates/?newsId=60224&print=go.*

[32] *https://www.faa.gov/news/fact_sheets/news_story.cfm?newsId=11125.*

[33] An InFO message contains valuable information for operators that should help them meet administrative requirements or certain regulatory requirements with relatively low urgency or impact on safety. InFOs contain information or a combination of information and recommended action to be taken by the respective operators identified in an InFO.

[34] *http://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/info/all_infos/media/2011/InFO11014.pdf.*

[35] *http://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/info/all_infos/media/2014/InFO14005.pdf.*

FAA issued a national policy notice titled ''Pilot Records Retention Responsibilities Related to the Airline Safety and Federal Aviation Administration Act of 2010.'' The notice directed FAA inspectors to verify that air carriers or operators have a system in place to retain records that must be reported for inclusion in the database, as required by the statute.[36]

Section 203 of the PRD Act directed the FAA to submit a statement to Congress by February 2012, and at least once every three years thereafter for a periodic review of the statutory requirements. The statement to Congress must contain any FAA recommendations to change the records required to be included in the database or the reasons why the FAA does not recommend any changes to the records referenced in Section 203. In its September 2015 report to Congress the FAA indicated that it had initiated a rulemaking project entitled Pilot Records Database, Regulation Identifier Number (RIN) 2120–AK31. In its most recent report to Congress, in February 2018, the FAA indicated that it did not recommend any changes in the records referenced in Section 203, until it considers public comments on the Pilot Records Database rulemaking proposal.

III. Discussion of the Proposal

The FAA proposes new part 111, Pilot Records Database, to codify requirements for accessing and evaluating records, reporting of records, and pilot rights and responsibilities. Subpart A contains general requirements. Subpart B contains requirements for database access and evaluation of records. Subpart C contains requirements for record reporting. Subpart D contains pilot rights and responsibilities. Subpart E contains requirements regarding compliance with PRIA during the PRD transition.

A. Persons Affected by the Proposal

The PRD Act requires air carriers to access and evaluate the records maintained in the PRD pertaining to an individual pilot before allowing that individual to begin service as a pilot. The PRD Act also requires air carriers, as well as any other person that employs an individual as a pilot of a civil or public aircraft, to report information concerning the pilots they employ for inclusion in the database.[37]

The FAA is proposing in subpart C of part 111 to require all part 119 certificate holders, 91K fractional ownership programs, persons authorized to conduct air tour operations in accordance with § 91.147, persons operating a corporate flight department, covered governmental entities conducting public aircraft operations and employing pilots, and trustees in bankruptcy to enter relevant data on individuals employed as pilots into the PRD. As of May 30, 2018, there were an estimated 5,006 air carriers and operators employing pilots that would be required to report pilot records to the database. Any other entity that employs pilots, such as pilot schools or training centers, would not be required to enter data into the PRD.

1. Air Carriers and Other Employers Required To Assess and Review

The FAA proposes to require all air carriers [38] who have been issued a part 119 air carrier certificate and are authorized to conduct operations under part 121 or part 135 to comply with the pilot employment background check requirements of subpart B of the proposed rule. The PRD Act requires air carriers and certain other persons to report information to the FAA for inclusion in the PRD and requires air carriers to access the PRD for purposes of evaluating all pertinent information pertaining to an individual before allowing that individual to begin service as a pilot.

Additionally, the FAA proposes that part 125 and 135 operators, 91K fractional ownership programs, and air tour operators, be required to access and evaluate an individual's records in the PRD before making a hiring decision. The FAA determined that it was in the interest of safety to include these employers, in addition to air carriers, for several reasons. Operators that conduct operations under part 125, 135 or 91K are currently required to review pilot records in accordance with PRIA. The FAA interprets the PRD Act to require an enhancement to safety. The FAA does not believe that it would enhance safety to remove this requirement with respect to this population of employers.

This proposed rule would also include air tour operators within the scope of its applicability. Although PRIA does not require these operators to review pilot records, the FAA believes that extending this requirement to air tours operators is consistent with the safety philosophy underpinning the PRD Act. Air tour operators share some similarities with aspects of part 121 and part 135 air carriers. These operators are responsible for the carriage of passengers for hire and the PICs who conduct these operations must hold at least a commercial pilot certificate. Given the similarity to air carrier responsibilities to the traveling public, the FAA believes that it is in the interest of safety to require air tour operators to review records in the PRD prior to making a hiring decision.

While the requirement for air carriers to conduct a pilot employment background check before allowing an individual to begin service as a pilot would be mandatory, the FAA proposes to permit voluntary compliance with the provisions for access and evaluation of records in subpart B for other operators that are required to report data to the PRD. If an operator opts into the requirements of subpart B for evaluating an individual's records in the PRD, the operator would be required to comply with *all* other aspects of subpart B of the proposal and would be included in those persons affected by the proposal.[39] Although not mandated by the PRD, the FAA believes that other potential employers of pilots could benefit from accessing the information in the PRD prior to making a hiring decision. If an employer chooses to opt in, it would be required to comply with all of the regulations in subpart B to protect pilots' privacy rights and the integrity of the database.

As mentioned previously, currently, PRIA is often used as a tool for validating the record of a pilot rather than as a research, screening, or selection tool prior to actually hiring the pilot because of the length of time the PRIA process takes. The ARC, in its report, asserted that immediate electronic access to information would be a benefit of an electronic database in lieu of continuing the paper-based PRIA process.[40] The FAA is requesting comment on whether employers believe that PRD will be utilized as a validation tool after an initial hiring decision has

[36] A copy of national policy notice N8900.279, ''Pilot Records Retention Responsibilities Related to the Airline Safety and Federal Aviation Administration Act of 2010,'' may be viewed at *http://www.faa.gov/documentLibrary/media/Notice/N_8900.279.pdf.* The statutory cite can be found at 49 U.S.C. 44703(i)(4)(B)(ii)(II).

[37] The PRD Act explicitly excludes the Armed Forces and National Guard, including reserve components, from the information reporting requirements.

[38] As defined in 49 U.S.C. 40102, ''air carrier'' means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation (*i.e.* foreign air transportation, interstate air transportation, or the transportation of mail by aircraft).

[39] With one exception—other employers opting into subpart B would not have to complete the NDR search and verification.

[40] Report from the PRD ARC, p. 72, *available at https://www.faa.gov/regulations_policies/rulemaking/committees/documents/media/PRDARC-2032011.pdf*

been made, or whether, because of the ease of electronic access, it will be utilized earlier in the decision-making process. The FAA requests that commenters consider the cost, in terms of employee time and processing fees (discussed further in the RIA), when responding to this question.

2. Operators Employing Pilots That Must Enter Data

The express language of the PRD Act requires pilot records from any air carrier and ''other person'' to be included in the PRD. While the Act did not define ''other person'' [41] or otherwise define who other than air carriers should be subject to the reporting requirements, the FAA interprets ''other person'' to mean those ''other persons'' that employ pilots that would likely be air carrier pilots or prospective air carrier pilots at some later date. The principal reason for this interpretation is that the PRD Act mandates that air carriers, but not other employers, access the data for hiring decisions. Accordingly, a reasonable interpretation of the PRD Act, read in its entirety, is that the reporting requirements are limited to those records that would assist with air carrier hiring decisions. The FAA does not interpret the PRD Act to require other types of employers to incur the burden of submitting documents to the PRD that are either unlikely to ever be accessed by a hiring air carrier, or that would not assist with an air carrier's hiring decision.

To determine which employers, other than air carriers, should be subject to the proposed reporting requirements, the FAA reviewed its implementation of PRIA, the requirements of the PRD Act, the relevance of the records kept by other employers of pilots (who are not air carriers) to air carriers in making hiring decisions, and the characteristics of the different types of requisite flight time that pilots accumulate before seeking employment with an air carrier.

The FAA also studied the following operating characteristics in comparison to part 121 air carrier operations to determine which operators should be subject to the proposed rule: The operating conditions of the flight (including the complexity of the operation and the type and complexity of the aircraft flown), the applicable operating rules, the applicable recordkeeping rules, and the progress and career path of the pilot as affected by the July 15, 2013 *Pilot Certification and Qualification Requirements for Air Carrier Operations* final rule.[42]

Individuals desiring a career as a professional pilot for an air carrier can seek experience with other operators to obtain the requisite flight time. These ''gateway operators'' will be utilized with greater frequency in the future as a result of FAA's *Pilot Certification and Qualification Requirements for Air Carrier Operations* final rule. That final rule significantly increased the total number of required flight hours from 250 to 1,500 for part 121 air carrier second-in-command pilots to hold an airline transport pilot (ATP) certificate.[43] The FAA recognizes that an individual may acquire flight time various ways to be eligible for a position with a part 121 air carrier. However, because it is now more time-intensive to receive the requisite experience for operations with a 121 carrier than before, the FAA expects the traditional path toward a pilot position at a part 121 air carrier will continue to be used, as opposed to more alternative methods of gaining experience, which are discussed below. To identify the typical paths for a pilot to acquire the minimum aeronautical experience to serve as a PIC in part 121 operations, the FAA examined the various aircraft operations and associated operating rules through which pilots can acquire flight time towards an ATP.

Similar operating conditions to a part 121 air carrier include operating large, turbine-powered airplanes, carrying passengers from a departure to an arrival point, and required training and checking events as a function of regulation or pilot certification. The FAA further considered which operations are subject to recordkeeping requirements on pilot training and performance similar to part 121 operations by using information identified in GAO reports, the Department of Transportation's Office of Inspector General (DOT OIG) reports, data from internal FAA databases, and current FAA regulations.

The FAA believes that the most useful information for the database is captured by applying the record reporting requirements to the operators that most likely serve as a gateway for pilots to accumulate the required aeronautical experience necessary for an ATP to conduct in air carrier operations. As a result of these analyses, the FAA identified categories of employers that serve as gateway operators—that is, operators that often serve as points on the career path of a pilot for an air carrier or other passenger-carrying operation. The FAA identified gateway operators based on its expertise and experience with those pilots and their typical employment pathways and is not based on a quantitative analysis of different employment pathways for obtaining an ATP. The FAA proposes to define ''operators employing pilots'' that would be subject to PRD reporting requirements to include the following groups that employ one or more individuals as pilot flight crewmember(s): (a) Each person that holds an operating certificate issued by the FAA in accordance with part 119 of this chapter; (b) each person that conducts air tour operations pursuant to a letter of authorization issued in accordance with 14 CFR 91.147; (c) each person that conducts operations pursuant to a fractional ownership program authorized in accordance with subpart K of part 91 of this chapter; (d) each person that operates a corporate flight department, as defined in part 111, pursuant to the general operating and flight rules in part 91 of this chapter; (e) each person that conducts operations of public aircraft; and (f) a trustee in bankruptcy. This proposal largely is consistent with existing PRIA requirements, with the addition of corporate flight departments.

The FAA considered extending the record-reporting provisions of the proposal to other civil aviation operators who employ pilots such as part 91 operations utilizing smaller general aviation aircraft, other part 91 business aviation operations involving a single aircraft, part 133 external load operators, part 137 agricultural operators, and research and testing flights conducted by aircraft manufacturers.[44] However, the FAA decided not to extend the PRD reporting provisions to these operators because they are not ''gateway'' employers to air carriers. Since pilots employed by the previously-referenced operators do not often transition to careers as pilots in passenger-carrying operations, the FAA questions the value that this information would provide relative to the attendant regulatory burdens it would impose on those operators. The FAA invites comments, with supporting documentation, about whether PRD reporting should extend to part 133 and 137 operators.

[41] Hereinafter these ''other persons'' are referred to as ''operators employing pilots'' or ''operators.''

[42] 78 FR 42324. Prior to this rulemaking, pilots obtained a large portion of their flight hours serving as SIC in part 121 operations.

[43] Certain pilots can obtain a restricted privileges ATP certificate with fewer than 1500 logged hours.

3. Overview of Affected Entities

a. Part 121 Air Carriers

Part 121 prescribes rules governing the domestic, flag, and supplemental operations conducted by persons holding an air carrier or operating certificate issued under part 119.[45] Part 121 air carriers operate multi-engine, transport category airplanes with more than nine passenger seats or airplanes having a payload capacity of more than 7,500 pounds between scheduled service cities within the United States, as well as internationally originating or terminating in the United States, while carrying passengers and freight. These air carriers are held to the highest safety standard by the FAA, as required by 49 U.S.C. 44701–44716, to ensure the public's safety in air travel. As of May 30, 2018, the FAA has issued 70 part 119 certificates to persons authorizing operations under part 121.

b. Part 135 Air Carriers And Operators

Part 135 air carriers and operators operate aircraft that are configured for 30 or fewer passengers or 7,500 pounds of payload or less. The operators comprising the commuter and on-demand industry segment range from a company with one pilot and one aircraft to a company with over 600 aircraft. Operations include short flights to small regional airports, cross-country domestic flights to larger cities, or international flights. As of May 30, 2018, the FAA had issued part 119 air carrier or operating certificates to 2,011 persons authorizing operations under part 135, compared to the 70 air carriers operating under part 121.

The operations conducted in accordance with part 135 provide a wide array of operating environments for pilots, including airspace complexity and operational tasks, similar to those encountered in operations conducted in accordance with part 121. Pilots serving in the following part 135 operations must also hold an ATP certificate prior to acting as pilot-in-command:

(1) Commuter operations using multiengine airplanes with nine or fewer passenger seats (Scheduled 135);

(2) on-demand operations using airplanes with 10 or more passenger seats; and

(3) turbojets.

c. Part 125 Operators

Part 125 operators conduct operations not involving common carriage, with airplanes having a seating capacity of 20 or more passengers or a maximum payload capacity of 6,000 pounds or more.[46] As of May 30, 2018, 71 persons have been issued certificates or letters of deviation authority (LODAs) authorizing operations under part 125.

While part 125 operators do not offer air transportation services to the general public, the type of operation conducted in accordance with part 125 is similar in many respects to part 121 and 135 air carriers and part 135 operations, including airspace complexity and operational tasks. Additionally, a part 125 operator must ensure that specific crewmember training is conducted and recorded in accordance with § 125.401.[47]

Like part 121 air carriers and part 135 air carriers and operators, part 125 operators would be required to access and evaluate the information contained on an individual in the database, pursuant to subpart B of proposed part 111. The proposal for part 125 operators is consistent with the FAA's current guidance for compliance with PRIA. That guidance advises part 125 operators to obtain an individual's pilot records prior to making a hiring decision.

The FAA is proposing to consider part 125 letter of deviation (LODA) holders as corporate flight departments subject to the reporting requirements of the PRD. Part 125 LODA holders are part 125 operators who do not have to comply with all aspects of part 125 because they hold a letter of deviation authority and many operate in a manner that is similar to corporate flight departments. The FAA believes those operators should be required to comply with the reporting aspects of PRD, though not the review elements unless they elect to opt in. The FAA addresses LODA holders as a part of the corporate flight department discussion in section f.

d. Part 91, Subpart K Fractional Ownership Programs

Part 91, subpart K (''part 91K'') fractional ownership programs are issued management specifications (MSpecs) by the FAA and have recordkeeping requirements similar in most respects to part 135 operators. The part 91K fractional ownership program provides both entry-level pilots and highly experienced pilots access to many aircraft with operating environments similar to part 135 air carriers, especially the type of aircraft operated by a part 91K fractional ownership program. The aircraft are typically multi-engine, turbine-powered fixed wing aircraft that require the pilot in command (PIC) to hold an airline transport pilot (ATP) certificate during part 91K operations.[48] However, the PIC can hold a commercial pilot certificate with an instrument rating if operating any other aircraft. As of May 30, 2018, there were 8 part 91K programs, employing about 3,364 pilots, flying general aviation business aircraft. Many part 91K fractional ownerships also hold part 119 air carrier or operating certificates.

A pilot's ability to fly at the ATP certificate level and demonstrating this proficiency during evaluation is an important regulatory distinction between commercial and private pilot certification. Specifically, these pilots gain experience as a PIC of a turbine-powered airplane in operations closely aligned with part 121 operations, such as the carriage of passengers in technologically advanced aircraft through complex airspace, as discussed in more detail previously. Thus, part 91K programs are more likely than other part 91 operations, such as private/recreation flying, personal business, or banner towing operations, to facilitate a pilot's career progression to a part 121 air carrier due to the similarity to part 121 operations.

Additionally, the FAA also proposes to update the process required to be completed by a part 91K program manager in accordance with current § 91.1051 to include compliance with proposed part 111. The FAA proposes to amend § 91.1051 to require that the pilot safety background check include the records maintained in the PRD. A part 91K program manager would be required to comply with the requirements of a pilot safety background check by requesting an individual's record in the PRD, as well as obtaining relevant information on the individual's aeronautical experience. This amendment would provide regulatory relief to 91K program managers and former employers because they would be able to obtain certain pilot records from the PRD instead of requesting them from the pilot's previous employers.

e. Section 91.147 Air Tour Operators

An air tour operator is an individual or company that holds a letter of authorization (LOA) to conduct air tours

[45] 14 CFR 121.1(a).

[46] Non-common carriage is defined in 14 CFR 110.2 as meaning ''an aircraft operation for compensation or hire that does not involve a holding out to others.''

[47] In addition, § 125.401 requires records to be kept concerning the release of employment or physical or professional disqualification of any flight crewmember for at least 6 months.

[48] *See* 14 CFR 91.1053(a)(2)(i).

within a defined geographic location.[49] Air tour operators, which share some similarities with aspects of part 121 and part 135 air carriers, generally maintain useful and reliable information on pilots serving in these operations. Like air carriers, these operators are responsible for the carriage of passengers and the PICs who conduct these operations must hold a commercial pilot certificate or higher.[50] In this regard, air tour operators provide a means by which pilots may acquire significant flight time in a short timeframe while operating in an environment with similarities to air carrier operations. Air tour operators often employ commercial pilot certificate holders who ultimately pursue a career as a pilot with a part 121 or part 135 air carrier.

In order for a pilot to operate an aircraft for an air tour operator, that pilot would be provided with training in the authorized aircraft, airspace, and procedures in conducting the air tour to maintain a safe operation.[51] The training provided, however, is likely to be less robust than an air carrier's training and, as such, fewer data points exist from which an air tour operator can glean information in order to determine a pilot's capability. As a result, reviewing prior employer and FAA records could be beneficial to air tour operators and, by extension, to the traveling public. Therefore, the FAA is proposing to require all air tour operators to comply with the access and evaluation requirements of subpart B of part 111 as well as enter data on the performance of an individual employed as a pilot into the PRD in accordance with subpart C of part 111.

f. Corporate Flight Departments

The FAA is proposing to require all corporate flight departments to enter data on the performance of an individual employed as a pilot into the PRD in accordance with subpart C of part 111 of the proposed rule. The FAA is proposing to define a corporate flight department as a person that operates: (1) A fleet (two or more) of standard airworthiness airplanes, (2) that require a type rating under 14 CFR 61.31(a), and are operated in furtherance of, or incidental to, a business, pursuant to the general operating and flight rules of part 91 or airplanes being operated under a deviation authority issued under § 125.3.

Corporate flight departments are typically owned and operated by a company and offer the opportunity for company executives and employees to reach customers in a short period of time. The FAA believes that corporate flight departments typically operate airplanes that provide both entry-level pilots and experienced pilots access to many type-rated airplanes that offer similarities to those operated by air carriers. The operations within these departments are structured in ways that resemble many aspects of the air carrier environment including aircraft type, airspace complexity, and the carriage of passengers. As a result, the FAA believes that the records maintained by corporate flight departments would be useful for air carriers to review prior to making a hiring decision on a pilot.

During the analysis of information on corporate flight departments, the FAA encountered several significant issues in determining the number of corporate flight departments that would be affected by the proposed regulations. First, corporate flight departments generally conduct operations under part 91 since these operators are not engaged in common carriage. Second, the FAA would not be able to determine the number of pilots affected by the proposal as the total number of corporate flight departments was unknown. Thus, the FAA could not rely on its own internal data to substantiate the number of companies that have corporate flight departments.

Several business aviation industry advocates, such as the General Aviation Manufacturers Association (GAMA) and the National Business Aviation Association (NBAA), provided data on specific segments of the business aviation industry, which is comprised of about 14,960 individuals, companies, and corporations. Large corporate flight departments often employ pilots that continue in their career progression to work at an air carrier, whereas this is less common for single-aircraft corporate flight departments. Therefore, the FAA decided to extend the proposed reporting requirements to only corporate flight departments with a fleet of two or more aircraft, as a result of weighing the impact of including all business aviation entities against the usefulness of the records for air carriers in making a hiring decision.

The FAA examined the data on the number of business jets and large turbine powered airplanes in the national airspace system. The FAA analyzed the data from the Civil Aviation Registry to differentiate the type of aircraft registered in the United States by type certification and standard airworthiness certificates. All large airplanes (weighing more than 12,500 pounds) or that are turbojet-powered were included in the analysis. The FAA further analyzed the number of aircraft in this group to determine the number of persons that own more than one aircraft, or a fleet of aircraft (excluding single aircraft operators) since these operators likely have multiple flight crews assigned to their aircraft.

In the FAA's history of overseeing a variety of types of certificate holders, the FAA has learned that a pilot's employment with a small operator, such as one with only a single aircraft, does not typically lead to employment with a certificate holder that conducts operations with many passengers. As a result, the minimal amount of pilot records from a small operator is unlikely to result in information beneficial for making an air carrier hiring decision. In contrast, for corporate flight departments with a fleet of two or more aircraft, it is common for insurance companies to require annual formal training at a part 142 training center. Because insurance providers often require formal flight training provided by a part 142 flight school, high quality records will most likely be available to document each pilot's performance. These types of pilot records that large corporate flight departments hold contain precisely the data that hiring air carriers will find beneficial to use when making hiring decisions. Additionally, many single aircraft operators only have one crewmember. These operators would likely only be reporting records on *themselves* on an individual basis and might not complete formal flight training. Furthermore, many might not have the financial resources to justify formal flight training when it is not required. In these cases, both the records available and the number of associated pilots would be minimal; in general, the modest amount of records available might not be helpful to operators. Therefore, the FAA concludes only those operators who have a fleet of at least two aircraft should be subject to the proposed reporting requirement.

The FAA further believes that a part 125 LODA holder is similar in nature to corporate flight departments. A part 125 LODA holder is an operator who holds a deviation from §§ 119.23 and 125.5 (the requirements to hold an operating

[49] As of May 30, 2018, the FAA has issued 1,111 LOAs to operators in order to conduct air tours. Many of the LOAs have been issued to existing part 119 certificate holders.

[50] See 14 CFR 61.133, Commercial pilot privileges and limitations.

[51] The FAA requires a responsible person to be named on the application for authorization to conduct air tours and provide a purpose and details of the air tour. The responsible person must ensure that the flight is conducted for compensation or hire while using a powered aircraft within a pre-established area of airspace. Additionally, the air-tour operator must comply with any other requirements listed in the FAA-issued LOA.

certificate and OpSpecs). The FAA is proposing that part 125 LODA holders be considered corporate flight departments that are subject to the reporting requirements of the PRD. These operators use U.S.-registered civil airplanes that have a seating configuration of 20 or more passengers, or a maximum payload capacity of 6,000 pounds or more when common carriage is not involved. As of May, 2018, there were 57 LODA holders. Historically, part 125 LODA holders have been regulated most similarly to part 91 operators and are typically used in business aviation, serving some of the same functions as corporate flight departments. Accordingly, the FAA proposes to treat them like corporate flight departments.

The FAA is seeking comment, with supporting documentation, on current corporate, flight departments' safety practices and invites commenters to respond to the following:

- Would it be beneficial to require corporate flight departments operating a single aircraft to report to PRD? Why or why not?
- Do corporate flight departments maintain substantive records documenting pilot training, evaluation, performance, disciplinary actions, or release from employment or other professional disqualification? If so, for how long are such records typically retained?
- Would the proposal create a disincentive for corporate flight departments to create and retain records that are not otherwise mandated by federal regulation?

g. Governmental Entities Conducting Public Aircraft Operations

The FAA has limited oversight of governmental entities conducting public aircraft operations (PAOs), though such operations must comply with the regulations applicable to all aircraft operating in the National Airspace System (NAS) (*i.e.,* part 91 general operating flight rules). The government entity conducting the PAO is responsible for oversight of the operation, including aircraft airworthiness and any operational requirements imposed by the government entity. Although a government entity conducting a PAO is not required to use an FAA-certificated pilot, many government entities require their pilots to hold an FAA pilot certificate and undergo recurrent training throughout their employment with the operator.[52] As a result, pilot records maintained by an operator of public aircraft would relate to part 61 currency requirements and would be similar to those maintained by holders of a part 119 operating certificate authorized to conduct operations in accordance with part 125. The FAA recognizes that some operators of public aircraft contract with part 135 or certificated air carriers but they are accounted for in those sections of the proposed rule and regulatory analysis. A search of FAA records found 322 current entities conducting PAO as of May 30, 2018.[53]

Pursuant to the PRD Act, the FAA is proposing to require government entities that conduct PAO to enter records maintained by the entity on individuals who hold an FAA pilot certificate and conduct PAO. These requirements are proposed in subpart C. Pilots holding an FAA pilot certificate and employed by operators who perform public aircraft operations may seek subsequent employment with an air carrier. Pilots who do not hold an FAA pilot certificate do not typically proceed directly to further employment with air carriers, because in order to progress to further employment with an air carrier they would need to first obtain the relevant pilot certificate and then likely work for a ''gateway'' operator to an air carrier. Accordingly, the FAA sees limited utility in maintaining these records and do not interpret § 203 of the PRD Act to include them.

The FAA seeks comment on: (1) The level of data that would be provided to the PRD by government entities on individuals employed as pilots for PAO; (2) the type of records maintained by PAOs; and (3) cost to government entities to provide these records.

h. Trustees in Bankruptcy

The PRD Act also requires that a ''trustee in bankruptcy for the air carrier or person'' continue to provide records to the PRD in event that an air carrier or other operator files for bankruptcy.[54] Therefore, the FAA is proposing in subpart C to 14 CFR 111.270 to require trustees in bankruptcy, or the debtor-in-possession if no bankruptcy trustee is appointed, to continue to comply with the reporting requirements for the PRD. This practice is consistent with other safety-based regulations that continue to be enforced while an air carrier or other operator is in bankruptcy. The FAA is proposing to require the individual accessing the database to be able to have their identity validated prior to the FAA granting PRD access, consistent with minimum requirements for database access.

When an air carrier or operator is in bankruptcy and maintains its certificate, the bankruptcy does not alter any regulatory or statutory requirements. However, if a hiring air carrier is unable to obtain records because an individual's previous employer ceases to exist or is otherwise unable to submit pilot records, the PRD Act provides that as long as the hiring air carrier makes a ''documented good faith attempt'' to access the information and the Administrator provides ''written notice'' of this lack of information, the pilot may begin service with the air carrier.[55] The FAA proposes to codify this good faith exception in § 111.115.

4. Entities That Will Not Be Required To Report Information

As previously explained, the FAA interprets the PRD Act requires the following employers of pilots to report information about those pilots: Part 119 certificate holders, 91K fractional ownership programs, persons authorized to conduct air tour operations in accordance with § 91.147, persons operating a corporate flight department, covered governmental entities conducting public aircraft operations and employing pilots, and trustees in bankruptcy. The FAA does not interpret the PRD Act to require the following entities to report information to the PRD:

- Part 91: Aerial Advertising (Banner Towing), Aerial Photography Operators, Airshow Performers and Acrobatic Teams, Business Aviation Operators (other than operators of a fleet of airplanes that require a type rating under 14 CFR 61.31(a)), Glider Operations, Pipeline Patrol, Commercial Hot Air Balloon Operators; and charitable sightseers under 14 CFR 91.147(k)
- Part 129: Foreign Air Carriers
- Part 133: External Load Operators
- Part 137: Agriculture Operators
- Aircraft and Equipment Manufacturers
- Living History Flight Experience Exemption Holders

Most of these entities have historically not been subject to recordkeeping requirements, or operating rules and limitations comparable to air carriers.

The operators listed in the preceding paragraph represent those that would be

[52] Referenced 14 CFR 61.3(a).

[53] The FAA maintains records related to known entities conducting public aircraft operations that are conducted by local, State, and Federal governments. These records are maintained in the FAA's Safety Performance Analysis System (SPAS).

[54] *See* 49 U.S.C. 44703(i)(2)(B).

[55] *Id.,* at § 44703(i)(12).

unlikely to generate useful records for a hiring air carrier. For example, not many of their records would be subject to PRD reporting; this would create an unnecessary burden on these operators to participate in PRD reporting. In addition, even if they have records, those records would be of limited value to hiring employers. In the FAA's experience, most pilots whom these operators employ are unlikely to advance to employment with an air carrier. If they did want to eventually work for an air carrier, however, the FAA's experience shows that they will, over the course of their careers, progress to employment with another ''gateway'' operator required to enter records into the PRD, before becoming eligible to seek employment with an air carrier. Additionally, the entities excluded from the requirements to enter data offer stark differences from the part 121 air carrier environment. Many aircraft owners operate their own aircraft, but some hire a pilot to fly their aircraft for them. For many of these owners who also operate their own aircraft, the operation is purely for pleasure or perhaps in furtherance of a business. While some of these pilots are trying to acquire flight experience to move into aviation as a career, many have no intentions of moving into the industry as a commercial pilot. Since PRD is intended to capture the airman history for those pilots seeking employment with aviation employers (part 135/121, for example), these types of operations are not the group targeted by the statute. Additionally, many pilots performing operations such as these are operating at the floor of the FAA risk assessment. Thus, their proficiency and recordkeeping requirements are low. Beyond passing the practical test (private pilot for example), they are only required to complete a flight review with an instructor every two years. This is an informal review, not a practical test, and is normally only documented as an endorsement in the pilot's logbook if it was satisfactory. The only consistent data the FAA would obtain as required records would be flight reviews and perhaps recency of takeoffs and landings. These sorts of details are routinely evaluated by the hiring air carrier during the logbook reviews. PRIA and PRD was designed to make records available to the hiring air carrier which were historically difficult to obtain. Of all the record sources to be reviewed by the hiring air carrier, the pilot logbook is the most accessible and considered a fundamental item reviewed in the hiring process.

Under this proposal, foreign air carriers are excluded from the reporting requirements. The FAA assumes that Congress intended the PRD requirements to apply only to U.S. citizens because it used the term ''air carrier'', which is defined in 49 U.S.C. 40102 and includes a U.S. citizenship requirement. The agency further assumes that ''or other person'' also applies only to U.S. citizens because, if Congress had intended for the reporting requirement to apply to non-citizens, it would have included the term ''foreign air carrier'' which is also found in 49 U.S.C 40102.

The FAA invites comments on whether data from excluded entities would provide information relevant to the evaluation of a pilot candidate for employment.

5. Other Sources of Pilot Records

The FAA also considered applying the record reporting requirement in the proposed rule to training providers and institutions of higher education. These groups were not addressed by the Act because they do not actively employ individuals to serve as pilots in civil or public aircraft operations.

A review of the sources of air carrier pilots (parts 121 and 135) by the GAO indicates that the majority of pilots hired by air carriers accumulated their hours by working as a flight instructor (CFI).[56] Pilots selected as flight instructors provide training to pilot applicants for an FAA certificate or rating. Since individuals employed as flight instructors to provide flight training are not employed for purposes of operating an aircraft, but for instructing or ''teaching'', the FAA does not find that the Act contemplates the reporting to the PRD by training providers. Therefore, the FAA is not proposing to require compliance by parts 61 or 141 pilot schools or part 142 training centers with part 111.

Similarly, the FAA does not believe the PRD Act extends to institutions of higher education (where pilots obtain flight training) because these institutions do not employ individuals to serve as pilots in commercial operations. As a result, the FAA is not proposing to require institutions of higher education that hold an LOA from the FAA to report records to the PRD. Individuals obtaining the training for an FAA certificate or rating are not employed as pilots but instead are paying for flight instruction, or paying the instructors or evaluators employed by the institutes of higher education.

B. FAA Records To Be Reported to the Pilot Records Database

The PRD Act requires the PRD to contain certain records maintained by the FAA. The FAA must include records concerning current airman certificates, associated ratings, and any limitations to the certificate or ratings. Also, the PRD must contain a pilot's current medical certificate including any limitations, documentation of a failed attempt of an individual to pass a practical test required to obtain a certificate (since August 2010) or type rating under 14 CFR part 61, and summaries of legal enforcement actions resulting in a finding by the Administrator that was not subsequently overturned.

The above records are currently maintained by the FAA in a manner consistent with the PRIA statute. However, since the implementation of PRIA, the FAA has received many inquiries from air carriers on how to obtain additional FAA information such as accident and incident information and other drug and alcohol test records.[57] The FAA also received recommendations from the DOT OIG on any additional information that should be provided to an air carrier through a PRIA request.[58] The FAA proposes in § 111.140 to include the previously-mentioned records in the PRD, as well as FAA accident and incident information and certain drug and alcohol testing records. The additional information, including FAA records as identified in § 111.140, would provide a holistic historical record of a pilot, when combined with the records proposed to be reported to the PRD by air carriers and operators that previously employed the individual as a pilot. These records are described in greater detail in the text that follows.

For the appropriate FAA records to be contained in the PRD, the proof-of-concept system included several interfaces with current FAA systems: The Comprehensive Airmen Information System, Enforcement Information System, and Accident/

[56] United States Government Accountability Office report titled ''Aviation Workforce: Current and Future Availability of Airline Pilots,'' p. 23, *available at https://www.gao.gov/assets/670/661243.pdf* (February 2014).

[57] The FAA receives on average 177,533 airmen requests for records from air carriers per year via the FOIA. This average was deviated from requests accumulated from 2009–2014.

[58] The final report was published on August 20, 2015. *https://www.oig.dot.gov/sites/default/files/FAA%20Pilot%20Records%20Database%20Progress%20Final%20Report%5E8-20-15.pdf.* Specifically, the DOT OIG recommended that as part of the FAA response to a request for records, the FAA should incorporate a written notification to air carriers that additional records may be available through FOIA and Privacy Act requests.

Incident Data System. Additionally, the FAA would enter certain records related to drug and alcohol testing into the PRD. Any error discovered in FAA data must be addressed by the Flight Standards District Office or the Drug Abatement Division that originated the record. Any changes to the source record would be reflected in the PRD.

1. Comprehensive Airmen Information System

The Comprehensive Airman Information System (CAIS) contains key information derived from airman certificate applications, temporary airman certificates, notices of disapprovals, disapproved applications, enforcement actions, correspondence, requests for replacement certificates, letters of verification of authenticity, and other information that supports the issuance of airman certificates. To ensure that the PRD contains the most accurate FAA certificate information on pilots, CAIS certificate data would be provided to the PRD on a nightly basis. Providing CAIS data directly responds to the PRD Act mandate to include this information in the PRD.

CAIS would provide the PRD with the most recent date of a medical exam, medical class, and medical limitations (if any). The pilot certificate information that would be provided through the PRD would include the level of pilot certificate and privileges; associated ratings such as category, class, and type of aircraft; and, information on any limitations to those certificates and ratings. The date of issuance of the individual's pilot certificate and the certificate number would also be reported to the PRD from CAIS.

The verification of an individual's current qualifications would be helpful in preventing falsification, which would limit the possibility of an operator hiring an individual who does not meet the requirements for a particular operation. This verification will be particularly helpful to air carriers that receive a high volume of pilot applications. However, verifying an individual's current qualifications would not provide an air carrier or operator with sufficient information alone. The individual's qualifications, historical pilot certificate action, and previous operator's records are also necessary to provide an accurate history.

2. Enforcement Information System

Consistent with the PRD Act and the FAA's implementation of PRIA, the FAA is proposing to include information on an individual's closed enforcement actions.[59] The enforcement action information would be uploaded to the PRD at regularly scheduled intervals via an interface with the FAA's internal Enforcement Information System (EIS). The EIS contains information about individuals, investigations, legal counsel information, and FAA surveillance activity, all related to enforcement. The EIS receives all enforcement and compliance data directly from FAA Aviation Safety Inspectors and FAA legal counsel. The FAA assigns a data steward for each component of the EIS—the person who is responsible for reviewing data integrity and accuracy and applying retention and data quality procedures. This information is maintained in accordance with Federal guidelines, and when applicable, the FAA maintains a policy that addresses data retention and destruction within the EIS.

a. Summaries of Legal Enforcement Actions

The FAA proposes to allow an air carrier access information from the EIS about closed enforcement actions on an individual through the PRD for the purpose of evaluating a pilot-applicant's record. If an individual has a record or multiple records in the EIS, an air carrier will be able to review the following information from a closed enforcement record: The FAA's report number, violation date, final action date, description of the subject's violation (including regulation and regulation description that was indicated in the enforcement), and the final sanction imposed on the subject with the corresponding certificate number.

The FAA does not propose to allow access to information regarding a pending case or event that was self-disclosed by an individual through a voluntary safety reporting program such as an Aviation Safety Action Program (ASAP). No ASAP record would be released through the PRD as described in Section E of this document, titled Exclusion of Voluntary Aviation Safety Program Records.

b. Expunction of Legal Enforcement Actions and Airman Records

In accordance with long-standing FAA policy, many historical airman and enforcement records have been expunged.[60] The policy provides that, generally, records of legal enforcement actions involving suspension of an airman certificate or a civil penalty against an individual be maintained by the FAA for five years before being expunged. Records are not expunged if, at the time expunction is due, one or more other legal enforcement actions are pending against the same individual. The outcome of the most recent legal enforcement action determines when the older action will be expunged (*e.g.,* if a pilot's certificate was suspended in May 2000, but received another suspension in March 2005, both actions would be expunged in March 2010, if no other enforcement actions were brought against the individual through March 2010). Actions resulting in revocations are never expunged.

Following the enactment of the PRD Act, the FAA examined whether the expunction of certain enforcement actions could continue in light of the data collection, data retention, and FOIA protection requirements of the PRD. Under existing policy, the FAA expunges an enforcement record in EIS, only the information identifying the subject of the enforcement action is deleted (name, address, certificate number, etc.); however, the PRD Act obliges the FAA to ''maintain all records entered into the [PRD] pertaining to an individual until the date of receipt of notification that the individual is deceased.'' As FAA records are part of the ''records entered into the [PRD] pertaining to an individual,'' the FAA interpreted the PRD to require that a pilot's records could not be expunged until the FAA has received notice of an individual's death. Accordingly, the FAA published a notice (76 FR 7893, February 11, 2011) temporarily suspending its expunction policy.[61]

The FAA's interpretation notwithstanding, the PRD ARC expressed concern that provisions of the PRD Act conflict with the Privacy Act requirements to maintain correct, accurate, relevant, and timely individual pilot records. The PRD ARC believed that because the records in the PRD are to be maintained solely for the purpose of assisting an air carrier in making a hiring decision, the requirement to maintain enforcement actions should not impact the

[59] The PRD Act specifically requires summaries of legal enforcement actions resulting in a finding by the Administrator that was not subsequently overturned.

[60] The FAA adopted a policy to expunge records of certain closed legal enforcement actions against individuals. This policy applies to both airman certificate holders and other individuals, such as passengers. FAA Enforcement Records; Expunction Policy. 56 FR 55788. (Oct. 29, 1991). A copy of this policy has been placed in the docket for this proposed rulemaking.

[61] However, the FAA has continued to expunge legal enforcement cases closed with no violation found and administrative actions as the PRD statute does not require the entry of these records into the PRD.

previously established record-retention and expunction policies regarding FAA enforcement records. As a result, the ARC recommended that the FAA reinstate the 5-year expunction policy or, in the alternative, expunge records from all FAA databases other than PRD after five years.

The FAA does not believe the ARC recommendation is consistent with the statutory requirement that the FAA maintain the records in the PRD for the life of the pilot. Therefore, the FAA is proposing to maintain its current suspension of the expunction policy that includes all relevant EIS records, as well as CAIS and Accident/Incident Data System (AIDS) records, in the PRD for the life of a pilot.

3. Accident/Incident Data System

The FAA proposes to include information from the Accident/Incident Data System (AIDS) to air carriers through the PRD. AIDS contains records of aircraft accidents and incidents occurring in the United States and those involving U.S.-registered aircraft outside of the United States. The information maintained in AIDS is not specifically referenced in the PRD Act but is available today to an air carrier via a Privacy Act (PA) request with the pilot's written consent. An air carrier may obtain a pilot's history of accidents and/or incidents, if any exist, upon request. The information obtained from a PA request responds to a standard question on air carriers, operators, state governments, and Federal government applications for employment.

The FAA proposes to include information from the AIDS in the PRD to streamline the request process for information that could assist in making a hiring decision. The FAA believes this data would permit an air carrier to receive important information on an individual pilot's history in a way that is more efficient for industry and the FAA because the air carriers would no longer have to submit privacy act requests in addition to conducting an evaluation with the data in the PRD. Furthermore, including the information from AIDS would facilitate the automated processing of PA requests for information, and permitting the FAA to utilize its resources more efficiently.

4. Drug and Alcohol Records To Be Entered by the FAA

a. Pre-Employment Testing Records

The PRD Act requires air carriers and operators that seek to employ pilots to enter certain drug and alcohol records into the PRD for individuals employed as pilots. However, in the event that a violation occurs during a pre-employment test [62] and the air carrier does not hire the potential employee, the air carrier would not be able to enter those records and the FAA would have to enter them instead.

In accordance with FAA regulations for Drug and Alcohol testing, 14 CFR part 120, employers or their Medical Review Officer (MRO) are required to report to the Federal Air Surgeon any pilot or individual holding a part 67 medical certificate that violates the drug and alcohol testing requirements, including a pre-employment test. The FAA proposes to submit to the PRD those records of pre-employment drug or alcohol violations and refusals to submit to testing that are required to be submitted to the FAA by air carriers and other employers or their MRO. The inclusion of these records is significant because a violation of this type would render the individual unqualified to perform as a pilot. As a result, these records are directly relevant to an air carrier's hiring decision.

This is also true if the violation occurs while the pilot is acting in a safety-sensitive position while employed by an employer regulated by another operating administration of DOT. Title 49, Code of Federal Regulations section 40.25 requires review of whether applicants had a previous positive result or refusal at another DOT mode. Consistent with the PRD Act's requirement to include records that ''[pertain] to the individual's performance as a pilot . . .'' the FAA Drug Abatement Division, Special Investigations Branch will enter into PRD those records maintained by the FAA that show a positive drug and/or alcohol violation from an employer regulated by DOT. Under the provisions of 14 CFR part 120 and 49 CFR part 40, a future employer is prohibited from using those individuals in a safety-sensitive position until the return-to-duty process is completed.

Any drug and alcohol testing records created for an individual prior to the ''PRD Date of Hire'' (*i.e.,* pre-employment drug and alcohol testing, or refusal) would be entered into PRD by the FAA. Specifically, the dates of pre-employment verified positive drug test results and alcohol confirmation test results of 0.04 or greater, and refusals to submit to drug and/or alcohol testing are important to include into PRD because this information enables a hiring air carrier to determine if a pilot is qualified.

5. Part 107 Remote Pilot in Command Certificates

The PRD Act requires all air carriers to request and review records prior to allowing an individual to begin service as a pilot. The PRD Act applies to air carrier pilots irrespective of the type of aircraft they operate. As a result, the Act's requirements apply to pilots of unmanned aircraft systems (UAS) when those UAS are used in air carrier operations.

The FAA expects that in the future, air carriers and other operators that primarily operate sUAS might hire pilots with remote pilot in command certificates,[63] in combination with other FAA approvals, to serve as pilots-in-command of their sUAS. These certificates would be populated in the Pilot Records Database by the FAA for verification by a potential employer. The FAA expects air carriers and other operators that utilize UAS to comply with the regulations proposed herein when hiring pilots for such operations.

[63] Under 14 CFR part 107, which governs civil small unmanned aircraft system (sUAS) operations, the person manipulating the controls of a sUAS is issued a remote pilot certificate with an sUAS rating.

C. Reporting Requirements of Historical Records Maintained by Air Carriers and Operators Employing Pilots

The PRD Act's requirements for reporting historical records to the PRD are twofold. First, the PRD Act requires employers (including air carriers and other covered employers) to report records generated after August 1, 2010. Second, air carriers (but not other covered employers) must report the records they are maintaining pursuant to § 44703(h)(4) of PRIA, which includes records generated on August 1, 2005 and later. Therefore, the FAA proposes to require air carriers authorized to conduct operations in accordance with parts 121 and 135 to provide records (also referred to as historical records) on each individual employed as a pilot since August 1, 2005, to the PRD. Other non-air carrier employers of pilots subject to the reporting requirements in this proposed rule would be required to report the records they generated as of August 1, 2010 for inclusion in the PRD. This requirement is not tied to PRIA, rather, it is a PRD-specific requirement, and is applicable to operators authorized to conduct operations in accordance with parts 125 and 135, as well as part 91K fractional ownerships.

The FAA does not propose to require air tour operators, corporate flight departments, and governmental entities conducting public aircraft operations to report *historical* information to the PRD. The historical records they would able to provide to the PRD would likely be inconsistent, particularly because any records they keep to document compliance with training requirements are not kept in accordance with a requirement from a specific regulatory part such as part 121, 135, or 125. In contrast, prospective records would conform to the reporting requirements in this rule. The burden for these small operators to input the minimal information they have would likely not be justified by any specific benefit these historical records would provide. Operators may upload any records they have on a voluntary basis.

The PRD Act requires that air carriers maintain certain records received from other employers in response to a PRIA request. For purposes of populating historical records into the PRD, the FAA proposes to require that air carriers submit their own historical documents which were generated in response to a PRIA request, but not those received from other employers via a PRIA request.

The FAA is interpreting the records referred to in subsection (h)(4) as those documents generated by an air carrier in response to a PRIA request, as opposed to those records received from another air carrier. As each air carrier and operator would be required to input its own historical records into PRD, an air carrier or other operator would not be required to enter records that it had received from another air carrier under PRIA. The FAA believes that this provides the least burdensome and non-duplicative requirements for entry of historical records into the PRD.

Upon enactment of the PRD Act, air carriers became responsible for the retention of records dated August 1, 2005 to the present. Also, on the date of enactment, operators and part 91K fractional ownerships became responsible for the retention of records dated on or after August 1, 2010. Therefore, the FAA is proposing in §§ 111.265 and 111.420 to require all air carriers authorized to conduct operations in accordance with part 121 or part 135 to provide specific records kept in accordance with PRIA on or after August 1, 2005, through one year after the publication of the final rule. One year compliance is proposed so that all affected employers have time to adopt use of the system. The FAA is likewise proposing to require commercial operators authorized to conduct operations in accordance with parts 125 and 135 as well as part 91K fractional ownerships to provide specific records kept in accordance with PRIA on and after August 1, 2010, through one year after the publication of the final rule. The remaining persons affected by the proposed rule—entities conducting public aircraft operations, air tour operators, and corporate aviation operators—are not required to comply with these historical record reporting requirements. These persons may voluntarily enter historical records into the PRD.[64]

The FAA proposes in § 111.420 that any required historical record documented on August 1, 2010 through one year after the publication of the final rule would be required to be entered into the PRD within two years of the publication of the final rule. The proposed extended timeline for the entry of historical records would provide air carriers and operators time to enter the applicable records for each pilot employed during the documentation dates previously explained.

Table 2 illustrates the historical record reporting provision of the PRD Act for records that have been previously documented by a part 119 certificate holder and operators employing pilots.

TABLE 2—OVERVIEW OF PROPOSED HISTORICAL RECORD REPORTING BY POPULATION

Historical records maintained in accordance with PRIA			
Record documentation date	Parts 121 and 135 air carriers	Parts 125 and 135 operators and part 91K fractional ownerships[65]	Other operators employing pilots
Records predating 8/1/2005	N/A	N/A	N/A.
Records dating from 8/1/2005 through 7/31/2010	Must Report	N/A	N/A.
Records dating from 8/1/2010 through initial proposed compliance date	Must Report	Must Report	Voluntary Reporting Only.

[64] The documentation date of records previously maintained in accordance with PRIA by air carriers, operators, and fractional ownerships will be referred to as ''historical records'' for the remainder of the proposal.

[65] Part 125 operators operating under a LODA would not be required to report historical records.

1. Data Required for Submission of Historical Records to the Pilot Records Database

As previously discussed, the FAA interprets the persons affected by the PRD Act's historical record provision to include part 119 certificate holders and fractional ownerships only. PRIA identifies specific regulations that require a part 119 certificate holder to retain documents regarding the training, qualification, and performance of a pilot in order to demonstrate compliance with the appropriate regulations.[66]

In order to assist part 119 certificate holders and operators in their compliance with PRIA, the FAA issued AC 120–68 to create a standardized process and best practices for obtaining a pilot's records and determining whether a company is required to comply with a PRIA request.

The FAA also acknowledges that historical records are maintained in a variety of media, including digital, paper-typed, paper-handwritten, microfiche, and scanned. Not all of these media are easily transferrable to an electronic database. Furthermore, the ARC indicated that ''smaller air carriers may lack the equipment and resources required to convert records to an electronic format.'' Based on required inspections of part 119 certificate holders by FAA inspectors, the FAA finds that approximately 12% of part 119 certificate holders maintain historical records electronically.[67]

Since part 119 certificate holders maintain historical records in many formats on a variety of media, the FAA is proposing that the historical records be submitted to the PRD through a limited number of data points entered into a freeform text box which is an on-screen rectangular frame into which a person types text. In this case, the text will be specific data points, described in the paragraph that follows. The general data fields that would be required to match an employed or previously employed pilot with a record in the PRD would include: The pilot's name, certificate number, and dates of employment. A part 119 certificate holder would also be required to enter the following records that must be maintained per current regulations:

- Training and qualification event data maintained in accordance with 14 CFR 121.683, 125.401, and 135.63(a)(4), except flight, duty and rest time;
- Available drug and alcohol testing records maintained in accordance with 14 CFR 120.111 and 120.219(a) and 49 CFR 40.333(a);
- Disciplinary action record that was not subsequently overturned; and
- Separation from employment record that was not subsequently overturned.[68]

The FAA believes that by clearly defining the specific historical data elements in this proposed rule, part 119 certificate holders would be able to refine the information about pilots included in the PRD that hiring air carriers find the most relevant to hiring decisions, rather than entering all data maintained on an individual pilot throughout his or her career. Additionally, by limiting the set of historical data elements, the FAA would be harmonizing the amount of records each pilot would have in his or her respective PRD file, which also would promote efficiency for air carrier review of those records. The historical record data elements discussed in Table 3 would not differ substantively from the data elements collected for a pilot's present and future records.

All proposed data elements required to be reported for each pilot employed by a part 119 certificate holder are included in Table 3. As previously stated, the amount of data recorded for each pilot is expected to vary. For example, some pilots may have multiple dates for completion of training events depending on their length of employment.

TABLE 3—DATA ELEMENTS REQUIRED TO BE ENTERED INTO A PILOT'S HISTORICAL RECORD

Training and qualification events required by FAA regulation				
Pilot data element[69]	Date(s) completed YYYYMMDD	Aircraft type (model designation as listed in FAA order 8900.1)	Duty position (PIC or SIC)	Result satisfactory (complete), unsatisfactory, or incomplete
Indoctrination				
Related Aircraft Differences				
Initial				
Upgrade				
Transition				
Differences				
Requalification				
Operating Experience				
Line Operating Flight Time				
Reestablish Recency of Experience				

[66] PRIA excludes flight and duty time recordkeeping requirements.

[67] FAA inspections required in accordance with national policy notice entitled ''Pilot Records Retention Responsibilities Related to the Airline Safety and Federal Aviation Administration Act of 2010''; results were collected through December 12, 2015. An electronic recordkeeping system is defined by the FAA as ''A system of record processing in which records are entered, electronically signed, stored, and retrieved electronically by a computer system rather than in the traditional ''hardcopy'' or paper form.'' FAA Order 8900.1, Vol 3, Ch 31, Sec 1, Para 3–2983(L). This definition could include, for example, both scanned copies of records as well as structured data sets.

[68] The FAA does not currently regulate, collect or review this information, but expects employers would have disciplinary action data on a minimal number of pilots employed, depending on their internal retention timelines for employment records.

[69] The pilot data element is only required if the subject has been administered any aspect of the data element. The pilot data element is not applicable (and therefore not required) if the pilot has not attempted the data element.

TABLE 3—DATA ELEMENTS REQUIRED TO BE ENTERED INTO A PILOT'S HISTORICAL RECORD—Continued

Training and qualification events required by FAA regulation				
Pilot data element [69]	Date(s) completed YYYYMMDD	Aircraft type (model designation as listed in FAA order 8900.1)	Duty position (PIC or SIC)	Result satisfactory (complete), unsatisfactory, or incomplete
Line Check				
Continuing Qualification				
Recurrent				
Qualification				

Drug and alcohol testing violations, if applicable		
Test result	Date(s) for each confirmed test and/or violation YYYY/MM/DD	
Drug Test Verified Positive ..		
Refusal to Submit to Drug Testing		
Alcohol Confirmation Test Result of 0.04 or Greater		
Refusal to Submit to Alcohol Testing		
Return-to-Duty and Follow-up Negative Result		

Disciplinary action record data, if applicable					
Type of action	Date of event YYYY/MM/DD	Aircraft type (model designation as listed in FAA order 8900.1)	Duty position (PIC or SIC)	Date of disciplinary action YYYY/MM/DD to YYYY/MM/DD	Summary of event (256 character limit in free text)
Written Warning					
Suspension					

Separation from employment data, if applicable					
Type of action	YYYY/MM/DD	Aircraft type (model designation as listed in FAA order 8900.1)	Duty position (PIC or SIC)	Date of disciplinary action YYYY/MM/DD to YYYY/MM/DD	Summary of event (256 character limit in free text)
Termination					
Resignation		.....	.....	.....	N/A

Since many air carriers and operators have maintained records in accordance with PRIA in varying degrees of detail, the FAA is proposing that part 119 certificate holders enter the specific data elements listed in Table 3. The data elements would be entered into an unlimited character, free text field for inclusion in the PRD. The FAA is proposing two methods for part 119 certificate holders to report present, future, and historical data elements to the PRD. Each employer could opt to use either of the following acceptable methods:

2. Reporting Method Option 1: Data Transfer Using an Automated Utility

The first option is to transmit data electronically using an automated utility. The data would be transmitted via an automated utility such as XML through the PRD application, and the PRD application would be able to extract the relevant information for each pilot and enter the information into the appropriate fields in the PRD. An air carrier would need to code its XML utility to meet the requirements of the PRD XML user guide to utilize the application's batch upload capability.[70]

The amount of time an air carrier or other operator employing pilots spends transmitting data to the PRD using such an automated utility would depend on the user's internet connection, bandwidth, and volume of data being sent to the PRD. However, the automated utility would need to be confirmed compatible with the PRD.

[70] Upon publication of the final rule, an XML user guide will be provided to PRD users.

3. Reporting Method Option 2: Manual Data Entry

The second method for air carriers and others employing pilots to transmit data to the PRD would be through direct manual data entry, using the same pre-established data field forms for each record type. The FAA expects that this method would only be used by those operators without the technical capability to use an automated utility such as an XML.

Under either method, each air carrier would be expected to complete a historical record for each pilot employed since August 1, 2005.[71] Each operator operating under parts 125, 135, or 91K fractional ownership would complete a historical record for every pilot employed since August 1, 2010. The FAA notes that even if pilots have retired, resigned, or were disqualified and replaced by other pilots, each pilot employed by an air carrier or operator would be required to have a record in the PRD, even if those pilots may never again be employed by an air carrier or operator. The FAA also notes that the agency does not have data on the exact number of historical records we expect to be submitted to the database regarding former pilots who are not currently employed.

The PRD Act requires that air carriers maintain records for five years after reporting them to the PRD.[72] The FAA is therefore proposing in § 111.420 of the proposed regulation that all historical records be maintained by the air carrier or operator for five years after being reported to the FAA for inclusion in the PRD, notwithstanding other applicable rules or regulations (*e.g.,* drug and alcohol testing records) pertaining to retention of such records.

4. Alternative Solutions Considered

The ARC recommended that the FAA consider permitting various file formats for submission to the PRD. The ARC also highlighted many issues associated with uploading various file formats. The FAA considered other options for the form and manner in which historical records could be submitted to the PRD by air carriers and operators employing pilots. These alternative options included permitting the submission of records in portable document format (PDF), Joint Photographic Experts Group (JPEG), bitmap (BMP), or other similar electronic file formats; the submission of records using coded Extensible Markup Language (XML); or the submission of specified information through direct manual data entry.

While the submission of records in PDF, JPEG, BMP, or other similar electronic file formats may be preferred and expedient for some air carriers and operators, the FAA rejected this option for multiple reasons. Primarily, the FAA notes that the ARC highlighted a crucial issue with the contents of historical records. The ARC indicated that many historical records maintained by the aviation industry contain information ''far outside'' the scope of the PRD such as disciplinary records unrelated to pilot performance. The acceptance of such file formats would allow a large volume of extraneous data to be submitted to the PRD, possibly including protected or sensitive information on individuals or an air carrier/operator.

This would create an unnecessary burden for the FAA because the FAA would be required to review each individual pilot record and redact information to determine whether it included protected or sensitive information. The FAA also considered requiring the individual pilots who are the subjects of any files uploaded to the PRD to review each record prior to an air carrier retrieving them or shortly after being uploaded. Either way, this variance and non-standardization could result in disagreements between pilots and employers, resulting in the FAA acting as an arbitrator in each instance.

Furthermore, the FAA would need to ensure that the correct record is placed in the appropriate individual pilot ''folder'' and that the documents uploaded to the system contain information that is legible. Unfortunately, there is no assurance that PDF, JPEG, BMP, or other similar file formats would be usable by air carriers. If an air carrier's computer system could not support the file format or voluminous records maintained over the life of a pilot, the files would be rendered useless. Variables such as the age and condition of the original record, the darkness of the text on the page, and the legibility of any handwriting on the page could create a document that provides little or no value to the PRD, with no assistance to an air carrier or operator employing pilots during the hiring decision. In each circumstance, a delay in the availability of pilot records may result in an air carrier reviewing incomplete data to make a hiring determination. The missing information may be deemed significant by the hiring air carrier.

Foremost, the PRD would serve as a tool to assist an air carrier or other operator in making hiring decisions in a manner that positively impacts safety, not to serve as a repository for all existing information maintained by employers of pilots, or as a replacement for existing air-carrier recordkeeping systems. By allowing scanned documents or photographs of a pilot's record to be transmitted to the PRD, the FAA would be unable to assure that each record submitted contained only the types of data relevant to the hiring decision. Additionally, including information that is not related to safety in an FAA database meant to inform an air carrier's hiring decision is not within the FAA's statutory authority. The PRD Act also includes a requirement to protect pilots' privacy, and including extraneous information would not be consistent with that statutory charge.

5. Public Input on Historical Records

Commenters are strongly encouraged to provide supporting data when responding to the following questions, including data supporting anticipated costs associated with compliance with this proposal and to provide sample records demonstrating the level of detail captured in historical records dating back to August 1, 2005, for each record type (*e.g.,* training, checking, release from employment). Such sample records should not provide any personally identifiable information about employees or other pilots in the docket; rather, only provide specific details on record format and content of the historical records. The FAA asks commenters to respond to the following questions with regard to any historical records maintained by air carriers and operators employing pilots in accordance with 49 U.S.C. 44703(i)(4)(B)(ii):

1. What level of detail (*e.g.,* training completion dates or the pilot's entire training record including each activity/task and outcome) do operators keep for historical pilot records dating back to August 1, 2005 and how accurately do the data requirements outlined in Table 3 reflect that level of detail?

2. Are air carriers or operators maintaining other relevant records used by an air carrier or operator in making a hiring decision that the FAA has not considered or not chosen to include as

[71] Current FAA source data from the Safety Performance Analysis System and the National Vital Information Subsystem indicates that the number of pilots currently employed by a part 91 subpart K operator is 3,364, a part 121 air carrier is 82,131, a part 125 operator is 418, a part 135 air carrier/operator is 24,545 as of May 30, 2018. The Department of Transportation maintains the total number of pilots that have operated for the airlines (part 121) and commercial operations (91K, 125, and 135) dating back to 1999. The FAA does not maintain data on the number pilots that have been active since 2005 but that are not currently employed. *http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/publications/national_transportation_statistics/html/table_03_24.html.*

[72] 44703(i)(15)(C)(iii).

a historic data requirement in this proposal?

3. What amount of effort do employers perceive will be involved in reviewing the historic data and structuring it into an XML format? The FAA would also welcome information from any employers that do not intend to use the back-end XML solution.

4. How quickly do air carriers and other operators believe they will be able to migrate their PRIA records into the PRD?

5. Would it be helpful from either a pilot or a hiring employer's perspective to include a text box (with a limited character count) for a pilot to be able to provide a narrative explanation of further information concerning a historical record? Would this also be helpful for present-day records?

In addition, the FAA seeks input from the public on alternative systems, processes, or technological solutions for efficient and accurate reporting of historical records.

D. Reporting Requirements: Present and Future Records

With respect to current and future records, the PRD Act requires the FAA to establish an electronic database to capture certain records provided by employers.[73] First, the PRD Act requires employers to report to the FAA for inclusion in the database certain pilot training, checking, disciplinary and separation from employment records maintained pursuant to §§ 121.683, 125.401 and 135.63(a)(4) and certain drug and alcohol testing records maintained in accordance with §§ 120.111(a) and 120.219(a).[74] Second, the PRD Act requires employers to report certain categories of other records ''pertaining to an individual's performance as a pilot'' to the extent relevant records may be kept by the employer.[75] Third, the PRD Act requires employers to report ''information concerning the motor vehicle driving record of the individual'' obtained ''from the chief driver licensing official of a State'' pursuant to 49 U.S.C. 30305(b)(8), which governs the NDR.[76]

Details on the data the FAA proposes to require employers to enter into the PRD consistent with the requirements of the PRD Act are summarized below and described in the subsections that follow. The data includes the following on pilot employees:

- The completion of certain training, qualification, proficiency and competency events;
- Other pilot training, qualification, proficiency or competency events kept by the employer;
- Drug and alcohol testing records maintained in accordance with the FAA's drug and alcohol testing regulations;
- Final disciplinary actions; and
- Final separation from employment actions.

The FAA proposes in § 111.250 to implement these present and future record reporting provisions one year after publication of the final rule to give covered employers time to fulfill the requirements of this proposed rule. Each action this proposed rule would require employers to enter after this time would be entered within 30 days of either the PRD hire date or the beginning of service. The FAA proposes to define ''PRD hire date'' as the first date on which the pilot is expected to begin any form of company-required training or any other duties assigned by an air carrier or other operator employing pilots.

At any time between the effective date of the final rule and one year after the publication of the final rule, an air carrier may begin entering present and future records into the PRD; however, the date on which the air carrier or operator begins entering the records into the PRD is the date the air carrier begins compliance and must remain in compliance with the rule. At that point, all records from prior to the first day of compliance would be considered historical records and all records from the first date of compliance and after would be present and future records. The FAA will note this unique date, as well as the air carrier or operator, for auditing compliance.

Part 119 certificate holders and fractional ownerships would be required to begin accessing and evaluating records in the PRD one year after publication of the final rule. Part 119 certificate holders and fractional ownerships, as well as any operators opting into the evaluation provision of part 111, would be required to access and evaluate an individual's PRD records *and* request PRIA records from current and former employers until all required air carriers and operators comply with the historical record reporting provision of part 111. This duplicative requirement would be temporary; the sole purpose is to avoid any lapse in PRIA records that were kept during the transition, which, as stated previously would conclude by two years after publication of the final rule.

A summary of the compliance periods for reporting records and accessing for purposes of evaluation is provided in Table 4.

TABLE 4—PROPOSED COMPLIANCE TIMELINES FOR PRD

Action	Compliance period[77]	Applicable record dates
Present and Future Record Reporting.	By One Year from the Publication Date of the Final Rule.	A date determined by the air carrier or operator during the compliance period; however, once the records begin to be entered into the PRD, compliance is mandatory.
Historical Record Reporting	By Two Years from the Publication Date of the Final Rule.	Beginning on August 1, 2005 or August 1, 2010, as applicable, through the date determined by the air carrier or operator when present and future records begin to be reported to the PRD.
Accessing the PRD for Purposes of Evaluating Records.	By One Year from the Publication Date of the Final Rule.	All records documented in the PRD and a request for records to current and/or previous employers under PRIA.
	By Two Years from the Publication Date of the Final Rule.	All records documented in the PRD.

[73] Air carriers and operators that employ pilots will be referred to throughout this section as employers.

[74] *See* § 44703(i)(2)(B)(i).

[75] *See* § 44703(i)(2)(B)(ii).

[76] *See* § 44703(i)(2)(C).

[77] Air carriers, other operators and participating operators may neither enter records into the PRD nor access the PRD for non-FAA records until the effective date of the final rule.

1. Data Pertaining to the Individual's Performance as a Pilot

As previously stated, the PRD Act requires air carriers to keep records pursuant to specific provisions of title 14 (§§ 121.683, 125.401, or 135.63(a)(4)), but also includes a more general provision that requires the reporting of certain categories of records ''pertaining to an individual's performance as a pilot'' by employers for inclusion in the PRD. This provision requires air carriers to report records concerning: (1) The training, qualifications, proficiency or professional competence of an individual; (2) any disciplinary action taken with respect to an individual that was not subsequently overturned; and (3) any release from employment or resignation, termination or disqualification with respect to employment. These reporting requirements specifically extend to any other records that are kept by an employer (even if the record is not explicitly required to be kept by a provision in 14 CFR). However, as provided in the PRD Act, only those records in each of these categories that ''pertain to pilot performance'' would be reported for inclusion in the PRD.

The FAA proposes to define the term ''records pertaining to pilot performance,'' consistent with the agency's interpretation of this phrase in PRIA, as meaning ''[r]ecords of an activity or event specifically related to an individual's completion of the core duties and responsibilities of a pilot to maintain safe aircraft operations, as assigned by the employer and established by the FAA.'' [78]

Records related to pilot performance are not limited solely to events arising out of the pilot's demonstration of proficient flying skills (*i.e.,* when the pilot is seated at the controls of an aircraft) and the demonstration of compliance with FAA regulatory requirements.[79] A pilot's duties and responsibilities to ensure safe aircraft operations includes demonstrating adherence to certain established company procedures during all aspects of an aircraft operation. Records of relevant events subject to the reporting requirements would also include certain events that occurred on the ground pre-flight or post-flight (*e.g.,* conducting aircraft exterior pre-flight and post-flight inspections, visual icing inspections, drug and alcohol violations) in connection with a flight operation. Moreover, the duty to maintain safe aircraft operations includes ensuring the safety of crewmembers, passengers, cargo, the aircraft and the operating environment.[80] Therefore, the proposed definition would extend to both FAA-established requirements and certain standards set by the employer that reflect activity that is linked to the statutory requirement that the database include records pertaining to the individual's performance as a pilot.

The FAA considers certain documentation to be unrelated to an individual's performance as a pilot and, therefore, beyond the scope of the PRD Act mandate. As proposed, the database reporting requirements would exclude records maintained by an operator related to an individual's performance of job functions unrelated to serving as a flight crewmember during the operation of an aircraft (for example, an individual's performance of duties while serving as a flight engineer, instructor, or evaluator in simulators) or while an individual performed services that do not require a pilot certificate issued under part 61.

Additionally, in accordance with the PRD Act mandate, the FAA proposes in § 111.220(b) to exclude flight time, duty time, and rest records from the reporting requirement. The FAA is also proposing in § 111.220(b) to prohibit the entry of records containing physical examination data or any other protected personal medical information into the database. Exclusion of these records is directed by the PRD Act and other medical privacy laws. The PRD Act does require certain records to be kept concerning compliance with required medical examinations and information concerning release from employment due to physical disqualification. Inclusion of those documents in the PRD are discussed in the section regarding CAIS records and in the section regarding separation from employment, respectively. The FAA also notes that data concerning a pilot's active medical certificate would be reported by the FAA to the PRD, as required by the PRD Act, and previously discussed in this preamble. Records concerning disqualification are addressed further in the discussion titled ''Separation from Employment''.

a. Pilot Training, Qualification, and Proficiency Records (§ 111.220)

As previously indicated, the PRD Act requires employers to report to the FAA for inclusion in the database records kept pursuant to 14 CFR 121.683, 125.401, and 135.63(a)(4) and any records related to pilot performance specific to the training, qualifications, proficiency or professional competence of an individual.[81]

Accordingly, the FAA is proposing in § 111.220(a) to require employers to enter records maintained in accordance with an established provision of FAA regulations related to pilot training, qualifications, and proficiency events, as well as certain additional records that may be kept voluntarily by covered employers.[82]

As proposed in § 111.220(c), the minimum data required to be reported by all populations would include: The date of the event, aircraft type, duty position (PIC or SIC), training program approval part and subpart, the crewmember training/qualification curriculum and category as reflected in the FAA-approved or employer-mandated training program, the result of the action (satisfactory or unsatisfactory), and limited comments, if appropriate.[83]

Comments would be reported to the PRD in two circumstances. First, employers operating under parts 121, 125, or 135 would be required to report any comments from a check pilot associated with a qualification record. Check pilot comments would be accepted for parts 121, 125, and 135 users because pilots employed in these contexts are qualified by a check pilot.[84] By contrast, comments on the performance of a pilot that were documented by someone other than a check pilot, such as a flight instructor, would not be accepted in the database. The FAA believes that neither validation events [85] (in an Advanced Qualification Program,[86] or AQP) nor

[78] *See* FAA's Office of the Chief Counsel legal interpretation to Lorenzon, dated September 12, 2014. A copy of this legal interpretation has been placed in the docket for this proposed rulemaking.

[79] *Id.*

[80] *Id.*

[81] *See* 49 U.S.C. 44703(i)(2)(B)(i).

[82] All records maintained in accordance with an established training, qualification, proficiency, or professional competency regulation, such as those cited in the PRD Act, §§ 121.683, 125.401, and 135.63(a)(4) are referenced as ''pilot training'' records throughout the remainder of the section, unless otherwise noted.

[83] The FAA notes that some of this information could be populated in the database in advance by the FAA using information from the air carrier's user registration. Thus, the employer may not be required to enter all data points for each record reported. For example, the training program approval part in 14 CFR, which would be reported in accordance with § 111.220(c)(4) of the proposed rule, would likely be pre-filled, when possible.

[84] As per 14 CFR 135.337, a check pilot is ''a person who is qualified to conduct flight checks in an aircraft, in a flight simulator, or in a flight training device for a particular type aircraft.''

[85] Validation events are used during AQP pilot training to ensure a pilot can demonstrate the ability to meet specific training requirements. This ensures an appropriate level of competency has been achieved before advancing to related or more complex tasks outlined in the training program.

[86] AQP allows for an alternative method for training and evaluating pilots based on

instructor comments should be included in the PRD. First, the PRD Act does not require employers to report either of these types of data to the PRD. Second, the FAA does not believe that flight instructor notes would have sufficient value as a hiring tool to warrant including them. In the safety recommendation A–95–116, issued to the FAA on November 15, 1995, the NTSB asked the FAA to require all air carriers and their training facilities to maintain pertinent information on the quality of pilot performance, including subjective evaluations by individual instructors, check pilots, or FAA inspectors. The FAA responded that the inclusion of such information in a pilot's permanent record might make a training event a punitive experience rather than one in which a pilot could learn from mistakes. On January 3, 2000, the NTSB stated that the FAA had provided a convincing argument about the inappropriateness of subjective information in pilot records and the possibility that pilot training could be negatively affected.[87] Finally, the FAA believes that validation events and instructor comments should not be entered into the database to ensure standardization among all other training and certification regulations. Other training and certification regulations do not include validation events and instructor comments.

The second instance in which comments would be accepted to the PRD would be when a certificate holder enters the category of pilot training and curriculum segment in which a pilot participated (*e.g.,* ground training or flight training). The results of each specific curriculum segment would be reflected in the database as satisfactory or unsatisfactory.[88] If the result is entered as unsatisfactory, a comment briefly explaining the unsatisfactory performance would be required for completion of that particular pilot training database record.

The FAA includes detailed guidance regarding examples of specific data elements that could be reported by each population in Draft AC 111, a copy of which has been placed in the docket for this rulemaking. The FAA notes that the proposal would not require the reporting of compliance with training and qualification events to a specific task level because particular training, qualification, and proficiency requirements may not be the same for every pilot depending on the training program and the duty position for which they are training to serve.

i. Part 121 Air Carrier Training Records

The FAA is proposing in § 111.220 to require: (1) Part 121 air carriers to enter into the PRD any record documenting an individual's compliance with FAA-required training, qualifications, and proficiency events kept in accordance with § 121.683, subject to limited exceptions proposed in § 111.220(b); and (2) employers to report any other records that may be kept documenting compliance with other requirements. Such records could be relevant to training, qualifications, proficiency, or professional competence, including check pilot comments that are not otherwise excluded by proposed § 111.220(b), as discussed previously.

All training and qualifying events conducted through an approved part 121 training program are required to be recorded in accordance with § 121.683, regardless of the subpart under which the training program is approved. Certificate holders that conduct operations under part 121 may train and qualify pilots in accordance with the provisions of current subparts N and O or under an Advanced Qualification Program (AQP) in accordance with subpart Y of part 121.[89] The record for a pilot trained in accordance with part 121, subpart Y, includes training records for the indoctrination curriculum, qualification curriculum, and continuing qualification curriculum. Because curricula vary, however, not every possible entry applies to each individual air carrier or operator.

ii. Part 125 Operator Training Records

As required by the PRD Act, the agency proposes in § 111.220 to require records maintained pursuant to § 125.401 by part 125 certificate holders to be reported to the PRD, except for flight time, duty time, and rest time. Additionally, § 111.220(a)(2) would require employers to report any other records that may be kept documenting compliance with other FAA- or employer-required events related to training, qualifications, proficiency, or professional competence, including check pilot comments. Part 125 letter of deviation (LODA) holders[90] would comply with the reporting requirements of a corporate flight department because LODA holders have been given relief from the recordkeeping requirements of part 125.

Part 125 operators are required to maintain records pursuant to § 125.401 demonstrating compliance with the prescribed qualification and testing requirements in subpart I of part 125. Furthermore, part 125 establishes testing requirements for pilot initial and recurrent qualification. An operator must maintain the records on the completion of a part 125 required test as well as a pilot's currency requirements referenced in § 61.51(a)(2). The FAA proposes to require employers to report all of the records described in this paragraph regardless of whether they are identified in part 125 or cross-references to part 61.

Additionally, pursuant to § 111.220(a)(2), the FAA is proposing to require all part 125 operators to enter records concerning an individual's performance as a pilot, including records that demonstrate compliance with recent flight experience and the applicable training and qualification regulations in part 125.[91] These records include initial and recurrent pilot testing requirements and instrument proficiency checks. In accordance with § 125.291(a), each PIC must pass a written or oral test on specific knowledge of the aircraft and operation. Additionally, a PIC must pass an instrument proficiency check in accordance with § 125.291(a) and complete an approach procedure in accordance with § 125.291(b). Pursuant to § 125.283, second in command pilots also must demonstrate compliance with

instructional systems design, advanced simulation equipment, and comprehensive data analysis to continuously validate curriculums. Requirements of subparts N and O that are not specifically addressed in the certificate holder's AQP continue to apply to the certificate holder and to the individuals being trained and qualified by the certificate holder.

[87] *https://www.ntsb.gov/_layouts/ntsb.recsearch/Recommendation.aspx?Rec=A-95-116.*

[88] A satisfactory or unsatisfactory result may also be submitted to the PRD as a pass or fail, or complete or incomplete, since these terms may be used synonymously by certificate holders with approved training programs.

[89] AQP allows for an alternative method for training and evaluating pilots based on instructional systems design, advanced simulation equipment, and comprehensive data analysis to continuously validate curriculums. Requirements of subparts N and O that are not specifically addressed in the certificate holder's AQP continue to apply to the certificate holder and to the individuals being trained and qualified by the certificate holder. *See* § 121.903(b).

[90] The FAA has issued 57 letters of deviation from § 119.23 and § 125.5 (the requirement to hold an operating certificate and Operation Specifications) to operators likely meeting the part 125 training requirements. These operators operate aircraft which are U.S.-registered civil airplanes with a seating configuration of 20 or more passengers or a maximum payload capacity of 6,000 pounds or more when common carriage is not involved. The number of operators holding a part 125 letter of deviation was retrieved for the FAA's Web Based Operations Safety System (WebOPSS) on May 30, 2018.

[91] In accordance with the regulatory requirements prescribed in § 61.51, *Pilot logbooks,* the FAA is proposing to require all part 125 operators to enter specific information into the database that displays compliance with recent flight experience regulations.

the recent instrument experience required in § 61.57. Check pilot comments designated in accordance with § 125.295 must also be included. The FAA proposes to require part 125 employers to report these records because they would provide information that is directly pertinent to the pilot's past performance, and would therefore be useful to a prospective air carrier employer. These records would also provide an established baseline of a pilot's career for air carriers to evaluate against a pilot's personal recordkeeping system in their pilot logbook to ensure consistency and to help employers detect intentional or inadvertent logbook inaccuracies.

iii. Part 135 Air Carrier and Operator Training Records

As previously discussed, the PRD Act requires records maintained pursuant to § 135.63(a)(4) to be entered into the PRD, as well as other records the air carrier may be maintaining related to the training, qualifications, proficiency, or professional competence of the pilot, including check pilot comments maintained in accordance with § 135.337.[92] Some of the records maintained in accordance with § 135.63(a)(4) are basic identifying information, such as a pilot's name; FAA pilot certificate type, ratings held, and number; and duties. Other records kept pursuant to § 135.63(a)(4) require training records specific to the pilot to be maintained, which include: (1) The date and result of each of the initial and recurrent competency tests and proficiency and route checks required by part 135 and the type of aircraft flown during that test or check; and (2) the date and completion of the initial phase and each recurrent phase of the training required by part 135. Additionally, § 135.63(a)(4) requires a certificate holder to maintain a record of the pilot's aeronautical experience, flight time, authorizations to act as a check pilot, and any action taken concerning the pilot's release from employment for physical or professional disqualification.

iv. Part 91 Subpart K Fractional Ownership Training Program Records

Part 91 subpart K (91K) fractional ownerships would be required to report records to the PRD. In 91K operations, per § 91.1053, pilots either complete a training program approved by the FAA or complete training for the continued currency of a pilot certificate issued in accordance with part 61. The FAA also believes that many operators have voluntarily established a pilot training or proficiency program for operational safety purposes. Therefore, in § 111.220(a)(1), the FAA is proposing to require 91K fractional ownerships to report certain records described below to the database, which are kept in accordance with § 91.1027(a)(3). In addition, under § 111.220(a)(2), 91K fractional ownerships would be required to report any other records kept documenting an individual's compliance with other FAA- or employer-required training, checking, testing, currency, proficiency, or other events related to pilot performance, including check pilot comments as applicable.

All 91K programs, per § 91.1073, must have an approved training program for their pilots. However, a 91K fractional ownership may seek approval for a pilot training program in accordance with §§ 91.1065 through 91.1107, or in accordance with part 135, subparts E, G, and H, or subparts N and O, or Y, of part 121.[93] For any training that is conducted in accordance with the various methods of approval to qualify a pilot to conduct operations under subpart K of part 91, the recordkeeping requirements in § 91.1027(a)(3) still apply. Under § 91.1027(a)(3), each program manager is required to maintain an individual record of each pilot used in subpart K of part 91. Therefore, the FAA is proposing to require each 91K program manager to enter the pilot records kept pursuant to § 91.1027(a)(3). Examples of specific values for PRD entry are provided in the Draft AC.

While § 111.220(a) would require the reporting of all records kept in accordance with § 91.1027(a)(3) concerning compliance with training and checking events, records concerning flight time, medical certification and the pilot's assigned duties would be excepted in accordance with § 111.220(b).

The pilot training and currency requirements that would be required to be recorded for operations conducted in accordance with part 91 are prescribed in part 61 and incorporated by reference in part 91. For example, part 61 prescribes that each pilot certificated under the part is required to complete a flight review, recent flight experience, and a proficiency check, if operating under instrument flight rules, at regularly scheduled intervals.[94] The purpose of these events is similar to that of the required training and checking events of other rule parts. Therefore, as proposed in § 111.220(a)(2), 91K operators would be required to report to the PRD records that document compliance with part 61 requirements for flight review, recent flight experience, and proficiency checks. The 91K operator would also be required to report other relevant records concerning training, qualification, proficiency or professional competence that may be kept by the employer, as required by the PRD Act. The FAA believes these records fall within the PRD mandate because they include data that is directly pertinent to the pilot's past performance and are therefore relevant to an air carrier's hiring decision. These records would also provide an established baseline of a pilot's career for air carriers to evaluate against a pilot's personal recordkeeping system in his or her pilot logbook. Examples of records are detailed in the Draft AC.

The FAA notes that 91K fractional ownerships would only be required to report check pilot comments in accordance with proposed § 111.220(a) if the 91K fractional ownership uses a training program approved under parts 121 or 135. When 91K fractional owners do not have an approved training program, they are not generally required to keep a record of pilot check rides, and would not be by this rule.

The FAA is also proposing to amend § 91.1051: *Pilot safety background check,* for consistency with the requirements proposed in new part 111; the proposed amendment replaces the current background check requirements with a reference to the new part.

v. Pilot Training Records Documented by Commercial Air Tour Operators, Corporate Flight Departments, and Entities Conducting Public Aircraft Operations

Commercial air tour operators authorized by § 91.147, corporate flight departments operating a fleet (two or more) of type-rated airplanes, and governmental entities conducting public aircraft operations would be required to report records to the PRD. The statutory mandate at 49 U.S.C. 44703(i)(2)(B)(ii) extends to records required to be kept pursuant to an FAA regulation and other records employers keep voluntarily. Therefore, the FAA is proposing in § 111.220 to require these employers to report these records to the PRD.

The FAA recognizes that commercial air tour operators, corporate flight departments, and entities conducting public aircraft operations are not

[92] *See* § 44703(i)(2)(B)(ii)(I).

[93] A training program approved in this manner for a fractional ownership would enter a different value for the approved training program subpart that differs slightly from that of a traditional 91K training program.

[94] *See* § 61.56 for exceptions that apply under certain circumstances for pilot currency.

required to maintain an approved pilot training program or maintain records concerning employer-mandated pilot training and qualification events. However, all pilots must record certain events in their pilot logbooks to maintain their currency [95] with an FAA pilot certificate pursuant to § 61.57. While these events are required to be recorded by pilots in their logbooks, the FAA expects that operators employing pilots maintain similar pilot training and currency records demonstrating compliance with part 61 to document that their pilots are trained, qualified and current for operational safety and regulatory compliance purposes. These records, which document compliance with part 61 requirements for flight review, recent flight experience, and proficiency checks, would be reported to the PRD under proposed § 111.220 and methods of compliance are explained further in the draft AC.

2. Drug and Alcohol Testing Records

The PRD Act requires records maintained pursuant to §§ 121.111(a) and 121.219(a) to be included in the database.[96] The FAA believes Congress intended to refer to the same drug and alcohol testing regulatory provisions in the PRD Act as referenced in PRIA, which can be found under in part 120, at §§ 120.111 and 120.219(a), respectively.[97] These are the same records required to be retained by 49 CFR 40.333(a).

Currently under PRIA, an air carrier must furnish drug and alcohol testing records maintained in accordance with Appendices I and J to part 121.[98] These regulations require certain records pertaining to employees serving in safety-sensitive positions to be maintained by a part 119 certificate holder conducting operations under parts 121 or 135, as well as persons authorized to conduct air tour operations pursuant to § 91.147.[99] The records required to be maintained demonstrate an employer's compliance with pre-employment, reasonable cause/suspicion, random, post-accident, return-to-duty, follow-up testing for use of prohibited drugs or misuse of alcohol, and documentation of other violations within the Department of Transportation modal administration drug and alcohol testing regulations.

The FAA is proposing in subpart C of part 111 to require employers to report specific records maintained in accordance with §§ 120.111 and 120.219(a) to the database, subject to certain limitations, as well as additional drug and alcohol testing records kept in accordance with 49 CFR 40.333(a), which the FAA believes are necessary to ensure a comprehensive history for each individual subject to drug and alcohol testing is available in the PRD.

The FAA is proposing to require the reporting to the database of verified positive drug test results or refusals to submit to testing in accordance with § 120.111 and violations of the alcohol misuse prohibitions and refusals to submit to testing in accordance with § 120.219(a)(2)(i)(B). As proposed in subpart C of part 111, all employers required to comply with part 120 would report the date of the verified or confirmed test or when the refusal occurred, the type of test administered or refused, and the result of the test (*e.g.,* whether it was a verified positive drug test result, alcohol result with a breath alcohol concentration of 0.04 or greater, or refusal to submit to testing).

The majority of the requirements in §§ 120.111 and 120.219(a) require records about a company's training procedures for personal testing and handling of drug and alcohol tests, rather than individual pilot results to be retained by an employer. The FAA is only proposing to require the reporting to PRD of those records that relate specifically to individual pilot testing and occurrences of prohibited drug use and alcohol misuse, because other records kept in accordance with these provisions are not related to individual pilot performance.

Additionally, consistent with 49 U.S.C. 44703(i)((2)(B)(ii), the FAA is proposing in § 111.215 to require certain other drug and alcohol testing records related to pilot performance maintained by employers in accordance with 49 CFR 40.333(a)(1)(iii) and (v) to be reported to the database. As proposed, employers would be required to report records concerning any refusal to submit to drug or alcohol testing, which must be retained by the employer in accordance with § 40.333(a)(1)(iii), records concerning all required return-to-duty drug or alcohol testing, and follow-up drug or alcohol testing, which must be retained by employers in accordance with § 40.333(a)(1)(v). Employers would not report follow-up testing schedules to the PRD. It is appropriate to include this additional information in the PRD because the limited records kept in accordance with §§ 120.111 and 120.219(a) would not provide an individual's comprehensive drug and alcohol testing history with a single employer.[100] In addition, the records kept in accordance with § 40.333(a)(1) relate to the professional competence of a pilot.[101] The FAA interprets the PRD Act to require employers to report information to provide prospective employers with a pilot's comprehensive drug and alcohol testing history on which to base a hiring decision.

The FAA is proposing to include follow-up and return-to-duty testing information in the PRD, including verified negative drug test results and alcohol test results with a concentration of less than 0.02. These results demonstrate a pilot's progress in an employer's rehabilitation program, which is required by FAA regulations. Whether a pilot has or has not completed a rehabilitation program is necessary for an air carrier's hiring decision. The FAA is not proposing to require other negative test results to be reported to the PRD.

Under existing regulation, if the pilot has a second occurrence of a verified positive drug test result or one occurrence of drug use while the pilot is on duty, he or she is permanently disqualified from performing pilot duties.[102] Additionally, an individual performing a safety-sensitive function is permanently disqualified from performing pilot duties after two confirmed alcohol violations or one occurrence of alcohol use during the performance of a safety-sensitive function. Since these records would demonstrate an individual's professional competency to prospective employers, the FAA believes it is appropriate to require the reporting of these records to PRD. According to the

[95] Currency requirements include flight maneuvers which must be performed by a pilot to maintain the privileges of their certificate.

[96] The references to these particular provisions in part 121 appear to be the result of a typographical error, as those sections of the regulations, which were in effect when Public Law 111–216 was enacted, do not relate to recordkeeping.

[97] The recordkeeping requirements set forth in §§ 120.111(a) and 120.219(a) remain unchanged substantively from the time Congress enacted PRIA.

[98] In 2009, the drug and alcohol provisions referenced in PRIA were recodified without substantive change, and these requirements may now be found in 14 CFR part 120.

[99] These persons subject to the requirements of part 120 are collectively referred to as ''employers'' throughout this section. The remainder of the PRD-user community would not be impacted by this aspect of the proposal.

[100] For a complete and accurate representation of an individual's drug and alcohol testing history to be conveyed in the database to a hiring air carrier, the FAA will also include applicable records to the database as previously discussed.

[101] *See* 49 U.S.C. 44703(i)(2)(B)(ii)(I).

[102] As contained under 14 CFR part 120, a person employed in a safety-sensitive position who has two verified positive drug test results or two confirmed alcohol violations or engaged in prohibited drug use or alcohol misuse while on-duty after September 19, 1994 is permanently disqualified from performing the safety-sensitive functions the employee performed prior to the second drug or alcohol test or on-duty violation.

drug and alcohol testing regulations in part 120, when a pilot has violated the drug and alcohol testing regulatory prohibitions related to on-duty, pre-duty or use following an accident, the employer is required to remove a pilot from the performance of safety-sensitive functions, and the employer must not return the pilot until the pilot has completed the return-to duty process. These violations, which could professionally disqualify a pilot, are provided to the FAA through an employer's current requirement to report to the Federal Air Surgeon. These reports must include documentation to support the employer's determination that the pilot has violated the prohibitions.

Once the pilot has completed the return-to-duty process, the drug and alcohol testing regulations do not prescribe any other employer actions. However, the employer may choose to take other employment related/disciplinary actions, including terminating the pilot. Because these violations do not necessarily involve a positive drug or alcohol test result, the FAA is proposing to require an employer to provide the details of the action taken related to a pilot's violation of the on-duty, pre-duty, and use following an accident drug and alcohol testing prohibitions into the pilot's disciplinary action record, as opposed to as a part of the drug and alcohol testing record. Under the disciplinary action record, the employer would enter a detailed summary of the violation in the text field that is limited to 256 characters.

The proposed requirements would provide a future air carrier with the most meaningful and useful information about an individual's drug and alcohol testing history. This proposal would not impact the five-year record retention requirements for drug and alcohol records or the requirement to provide records of notification to the Federal Air Surgeon of refusals to submit to drug and alcohol testing, verified positive drug test results, and violations of the alcohol misuse prohibitions within two working days in accordance with 14 CFR part 120 or 49 CFR part 40 for employers.

Employers could remove drug and alcohol records from their files after five years, as appropriate. However, any information from those records required by PRD would remain in the PRD for the life of the pilot. The agency notes that to the extent this information remains in PRD, the availability and use of that information is limited by the PRD Act and the proposed rule in § 111.105 for purposes of employers making a hiring decision. The FAA recognizes that the record retention period in the PRD Act is different from the record retention period applicable to the FAA's drug and alcohol testing program. The FAA welcomes comment on the proposal to retain drug and alcohol records for the life of the pilot, recognizing the constraints of the PRD Act.

3. Disciplinary Action Records

Under the PRD Act, relevant disciplinary action records to be reported for inclusion in the PRD are those records of disciplinary actions, maintained by an employer, that pertain to pilot performance and have not been overturned.[103] The FAA is proposing to define ''final disciplinary action record'' for purposes of proposed part 111 as ''a record of any corrective action taken by an employer in response to an event pertaining to pilot performance, which is not subject to any pending formal or informal dispute initiated by the pilot.'' Each final disciplinary action record meeting the proposed definition would be required to be reported promptly to the database in accordance with § 111.225 after a 30-day waiting period.

As previously discussed, records pertaining to pilot performance are not limited to records solely regarding the pilot's demonstration of proficient flying skills and compliance with FAA regulatory requirements. A pilot's duty to maintain safe aircraft operations also includes adherence to certain established company procedures during aircraft operations. As proposed, the disciplinary action records pertaining to pilot performance would not be limited to the events that occurred while the pilot is seated at the controls during flight; they would extend to records of events that occurred in connection with the pilot's completion of duties and responsibilities on the ground, during the pre-flight or post-flight operations of an aircraft that is intended for operation (for example, events occurring during exterior pre-flight or post-flight inspections, visual icing inspections, or behavior related to on-duty drug or alcohol use, pre-duty alcohol use and alcohol use following an accident).

Records of disciplinary action resulting from events specifically related to a pilot's performance of assigned duties and responsibilities to maintain safe flight operations and adhere to standard operating procedures could reflect deficiencies relevant to future employers' hiring decisions. The NTSB has identified deficiencies in operators' adherence to standard operating procedures as contributing causal factors in aviation accidents.[104] As indicated in the NTSB report on the February 9, 2009 Colgan accident (NTSB/AAR–10/01), the investigation revealed that noncompliance with standard operating procedures was a contributing factor to the accident. Therefore, the proposal for reporting disciplinary records extends to records kept concerning compliance with both FAA-established requirements, as well as certain standards set by the employer.

The PRD Act requires disciplinary action records that are not subsequently overturned to be included in the PRD. Accordingly, the FAA proposes the same requirement in § 111.225.

Congress expanded PRIA with its enactment of the PRD Act and uses much of the same language to describe requirements related pilot records. Accordingly, the FAA interprets language in the PRD Act to have the same meaning as language in PRIA when the language is identical or substantively similar. As described below, the FAA interprets language in the PRD Act related to disciplinary actions to have the same meaning as in PRIA.

For example, in a U.S. House of Representatives Report (''House Report'') accompanying certain amendments to PRIA in 1997, Congress clarified the intended meaning of a disciplinary action that has been ''subsequently overturned.'' [105] The House Report clarified that '' 'subsequently overturned' means either discipline that has been rescinded as a result of a legitimate settlement agreement between the employer and the pilot or the pilot's representative or discipline that has been reversed by the employer or by a panel or an individual given authority to review employment disputes.'' Congress indicated ''[a] legitimate settlement agreement could include instances where the parties agree that the action that was the subject of discipline did not occur or was not the pilot's fault. However, it should not include instances where the airline agrees to wipe the pilot's record clean in order to pass him or her onto another unsuspecting carrier.'' Therefore, ''[i]n the Committee's view, in cases where the discipline is rescinded or reversed . . . the documents reflecting the charges underlying the initial decision to impose the discipline are not required to be maintained or disclosed.'' In light of the foregoing, the FAA

[103] *See* § 44703(i)(2)(B)(ii)(II).

[104] *See* Safety Recommendation A–07–8, as a result of the accident involving Pinnacle Airlines flight 3701 in Jefferson City, Missouri, for a comparative example.

[105] *See* H.R. Rep. 105–372 (Oct. 31, 1997).

continues to interpret the meaning of ''disciplinary action that was subsequently overturned'' in accordance with this legislative direction.

The FAA recognizes that a disciplinary action may be overturned through a number of formal and informal processes, such as an internal company dispute or legal adjudication. Therefore, the FAA is proposing in § 111.225 to require an employer to report disciplinary action records pertaining to an individual's performance as a pilot within 30 days after the action has been documented as final in the pilot's employment record.

In the event of a dispute, the record must be entered in the PRD within 30 days after the dispute is considered resolved or closed by the employer. All carriers would have to have a documented dispute process and conduct a reasonable investigation and publish these policies and procedures, as proposed in § 111.260. However, if a dispute develops after the disciplinary action is entered into the PRD and action is subsequently overturned by the employer, then the air carrier or other operator would be required to remove or correct the data entered into the PRD within 10 days of the disciplinary action being overturned as proposed in § 111.250(b)(5)(ii).

Additionally, as proposed, disciplinary records arising out of actions or events unrelated to the pilot's completion of core duties and responsibilities to ensure the safe operation of the aircraft would not be reported to the FAA for inclusion in the database. Examples of disciplinary records that should not be reported to the database include those related to an individual's noncompliance with behavior or morality-based company policies such as attendance policy; adhering to appearance or grooming standards; or failure to conduct oneself appropriately with the public, passengers, or vendors. Specifically, a disciplinary action related to insubordination and where there is no indication the pilot's actions impacted the safe operation of an aircraft has previously been found by the agency to be unrelated to pilot performance.[106] The FAA would not expect such a disciplinary record to be reported to the database.

The FAA would also not require an employer to report an oral warning to the database. The FAA determined it was inappropriate to require the reporting of data concerning oral warnings because an oral warning may not be documented in a suitable manner for verification purposes.

In contrast, the FAA expects that a disciplinary action record pertaining to an incorrect aircraft maintenance log entry would be reported to the database to the extent it ''relates to pilot performance because the record indicates the pilot failed to comply with post-flight procedures related to the condition of the aircraft for continued flight.'' [107]

In keeping with the other types of records that would be required to be reported for inclusion in the PRD, the FAA proposes to require the reporting of disciplinary action records in a standardized format. The method of compliance for this format is detailed in the PRD Draft AC. The employer would be required to report disciplinary action records, including: Identifying pilot information (*e.g.,* the pilot's last name and FAA pilot certificate number); the type of disciplinary action taken by the employer in response to the event (*e.g.,* written warning, suspension, or termination); and a brief summary of the event resulting in discipline. The data field for the summary of event would be limited to no more than 256 characters entered as free text. The summary field would be used by the employer to briefly summarize the underlying event that resulted in discipline and provide additional relevant information about the disciplinary action taken, such as the length of a suspension, if applicable. Additional information must consist only of those details that can be confirmed from the employer's personnel records, with no extraneous information that cannot be independently verified in written record included.

Unlike the current process under PRIA, the proposed requirements ensure the standardized collection of and access to safety data regarding disciplinary actions by clearly defining the type of event, the type of disciplinary action, timeframes for data entry, and specific data that must be reported to the PRD for evaluation by a future employer. The proposed requirements for reporting certain disciplinary records to the PRD would ensure that air carriers and other employers have access to relevant records that would help the employer evaluate the ability of a pilot-applicant to engage in safe aircraft operations.

The FAA is obligated to ensure that only information that is relevant to a hiring employer's review of a potential employee is housed in the system. Limiting the data elements available to hiring employers is critical because the PRD requires the FAA to ensure pilot privacy is protected. This mandate is specific to PRD. Standardized reporting of pilot disciplinary actions is beneficial for both ease of review for the air carrier and to ensure each pilot is treated fairly. Additionally, allowing uploading disciplinary reports in lieu of standardized data entry introduces record-quality concerns, such as readability of document scans. Even in cases in which the visual quality of the records uploaded is insufficient, uploads of records would still be accepted into the PRD. Operators would only discover the content of disciplinary records once a hiring air carrier or operator later requests those records. This could be months or years after the record was uploaded and the original record may no longer be available. The Administrator cannot effectively review for quality control every record that an operator may upload into the PRD. As a result, the FAA proposes requiring standardized formats for such records.[108] By using such formats, the PRD would ensure that specific data points are validated at the time of record upload. The PRD functionality would not include an ability to cross-reference or cross-check records against one another, however. To the extent that a pilot identifies an inconsistency or error, it would be incumbent on him or her to flag the record as in dispute and contact the record originator for resolution.

As discussed earlier in this preamble, the FAA is soliciting comment on whether a PRD query would function similarly to current PRIA queries as a ''validating'' mechanism toward the end of the hiring process. The FAA recognizes that there may be situations where a hiring operator is unable to gain access to the underlying content of disciplinary record summarized in the PRD because the record no longer exists or the party responsible for originally entering the record does not share it with the hiring operator. The FAA considered, but is not proposing, allowing for a lengthier summary of the event in situations where the pilot and the operator mutually agree upon the full language summarizing the incident in PRD. The FAA specifically solicits comment on its proposal to limit the text summarizing a pilot event in the

[106] *See* Lorenzon interpretation.

[107] *Id.*

[108] Upon implementation of the PRD (following a final rule), the FAA would encourage pilots to review their PRD records periodically. Although the FAA may (at some point in the future) implement an automatic notification feature when new records are added, during the initial implementation phases, this functionality will likely not be available.

PRD to 256 characters and whether this limitation or another alternative would most optimally balance the need for concise, fact-based summaries with potential limitations in being able to access the underlying record in certain circumstances. When providing comment on this, commenters are encouraged to review the example PRD record summaries outlined in ''Examples of Termination Records Entered into the PRD''.

4. Proposal for Reporting Records Concerning Separation From Employment

Among the records that must be kept by operators pursuant to §§ 121.683, 125.401, and 135.63(a)(4), and thus reported to the PRD in accordance with the PRD Act, are records ''concerning the release from employment or physical or professional disqualification of any flightcrew member . . .'' [109] In addition, the PRD Act requires air carriers and operators that employ pilots to report any other records pertaining to pilot performance that are maintained by the employer concerning ''any release from employment or resignation, termination or disqualification with respect to employment.'' [110]

a. Separation Information To Enter Into the Database

As proposed in § 111.230, air carriers and operators would be required to access the PRD and enter limited, specific information pertaining to a pilot's final separation of employment. In particular, the data required to be entered would include the following fields: (1) The final date of employment; (2) a multiple-option category field to indicate the nature of the separation of employment that would require the employer to select the type of separation in a drop-down menu such as resignation, termination, physical (medical) disqualification, professional disqualification, furlough, extended leave, or retirement; and (3) for certain types of separations, a brief summary of the action resulting in the separation with the employer, as discussed further in this section. The record concerning separation of employment would be entered into the database by all employers in a standardized electronic format, provided in the draft AC 111.

b. Final Date of Employment

As proposed in § 111.230, a record regarding a pilot's separation from employment would only be required to be reported by employers once the separation action is considered final. Individual pilots and others have contacted the FAA with questions regarding what separation from employment records must be furnished by an employer in response to a PRIA request. In one hypothetical presented to the agency for consideration, a pilot asked whether a termination record that is overturned by an employer and replaced by a resignation record in accordance with a settlement agreement must be reported in response to an air carrier's PRIA request, or whether the final resignation record solely must be reported.

The FAA proposes a last-in-time requirement for separation from employment records consistent with the agency's proposal for disciplinary action records. As proposed, only the most chronologically recent disposition of an individual's separation from employment would be reported to the PRD for each period of employment with a particular operator. If a termination is overturned, as in the preceding hypothetical, the termination record must not be reported to the PRD. Moreover, if any informal or formal dispute is pending between the pilot and the employer regarding the circumstances of the pilot's separation from employment, the record would not be considered final and would not be reported to the PRD. If any separation has been overturned as a result of a settlement agreement, an official decision by a panel or individual with the authority to review employment disputes or a court of law, or mutual agreement of the employer and pilot, the employer would be prohibited from entering that record.

c. Reinstatement of Employment

In some situations, such as the hypothetical previously discussed, after a termination is finalized, a pilot may successfully appeal his or her termination to the air carrier and be reinstated. In these situations, an air carrier would be required to submit a correction request to remove the separation record from the database within 30 days of reinstatement.

d. Types of Separation

All covered employers subject to the proposed rule would be required to report each pilot's separation from employment that is related to pilot performance for inclusion in the PRD, including certain minimum details. The FAA believes this information is necessary in order to provide potential hiring air carriers with information relevant to a hiring decision.

i. Separation From Employment That Was Not Due to Pilot Performance and Was Initiated by an Air Carrier or Operator

The FAA acknowledges that many situations could exist that result in a pilot being released from employment unrelated to his or her performance as a pilot. Typical examples of a pilot being released from employment are a pilot being furloughed or being placed on extended leave. In such cases, the air carrier or operator would be required to enter the individual's final date of employment and the reason for being released from employment, but no further information would be required.

ii. Air Carrier/Operator-Initiated Separation Related to Pilot Performance

If a pilot were terminated due to unsatisfactory performance as a pilot or as a result of disciplinary action related to pilot performance, the air carrier or operator that terminated the individual would be required to input the final date of employment of the pilot, indicate that the individual was terminated, and provide a brief summary of action resulting in termination. The FAA understands that most disciplinary actions do not result in termination of employment; however, as previously indicated, some actions or events involving a pilot's performance could lead the employer to take disciplinary action in the form of termination. In such a case, the FAA notes that the employer would be required to complete PRD entries for both the record concerning the disciplinary action as well as the record concerning termination, provided the underlying action or event was related to the individual's performance, and the decision was not subsequently overturned by the employer. Both decisions would have to be final determinations before the information is reported to PRD. The FAA does not believe that the entry of both records into the PRD is overly burdensome because the record concerning release from employment would be limited to the data elements previously described, and requiring both sets of information is consistent with the requirements of the PRD Act. Moreover, if the termination were overturned but the disciplinary action was not, that is important information for an air carrier to consider in a future hiring decision. The FAA notes that these entries would not be connected to one another in the database—each record would appear independently.

Additionally, a pilot may be required to separate from an employer as a result

[109] *See* 14 CFR, 121.683(a)(2), 125.401(a)(2), and 135.63(a)(4)(ix).

[110] *See* § 44703(i)(2)(B)(ii)(III).

of disqualification from employment as a pilot. The reasons could stem from no longer holding the appropriate pilot or medical certificate,[111] not meeting the requisite eligibility terms of employment as a pilot (*e.g.,* maintaining a valid passport or other terms listed in a company's general operations manual), or violating the drug- and alcohol-testing requirements. These examples of disqualification are sometimes unrelated to a pilot's performance; however, they greatly affect the individual's legal obligations related to the operation of an aircraft for an air carrier or operator. The air carrier or operator would be required to enter the final date of employment with the employer and indicate that the pilot was disqualified through the appropriate category selection as listed previously.

The FAA is proposing to require a brief summary of the action to be reported to the PRD under certain circumstances of separation. If the air carrier or operator initiated the separation with the pilot due to termination or professional disqualification, a brief summary of the final action would be required, but the selection of any other separation category field (*i.e.,* resignation, physical (medical) disqualification, furlough, extended leave, or retirement) would not permit an explanation to be entered into the PRD. The FAA believes this summary would provide a benefit to the prospective employers of the individual pilot, as well as a direct benefit to the individual pilot, because a limited amount of objective details surrounding the individual's final separation would be available to prospective employers. The following examples demonstrate the type of entries the FAA would (or would not) expect an air carrier or operator to input when reporting a summary of an event leading to a pilot's termination or for professional disqualification:

Examples of Termination Records Entered Into the PRD

- Joe Smith was terminated on May 29, 2015, due to failed training events as an SIC. The failures occurred on April 28, 2015, May 1, 2015, and May 28, 2015.
- Joe Smith was terminated on May 29, 2015, due to an accident involving a company aircraft.

Examples of Professional Disqualification Records Entered Into the PRD

- Joe Smith was disqualified as a PIC on May 28, 2015, due to failure of a recurrent proficiency check. Joe is scheduled for SIC training for requalification.
- Joe Smith was disqualified as an SIC on May 29, 2015, due to a failed line check. Joe is not able to operate as an SIC until completing requalification training.
- Joe Smith was disqualified as a PIC and SIC on May 29, 2015, due to poor performance during upgrade training. Joe may requalify as an SIC after the completion of SIC training.
- Joe Smith was disqualified as a PIC on May 29, 2015, due to incomplete required differences training. Joe will requalify once the training has been completed successfully.
- Joe was disqualified as a pilot on May 29, 2015, due to violating the pre-duty alcohol use prohibition. Joe may return to perform duties upon completion of the substance abuse professional's report and a negative return-to-duty test.

Example of Termination Records Not Accepted Into the PRD [112]

- Joe Smith was terminated on May 29, 2015, due to noncompliance with the company's dress-code policy. In the company's manual, the company requires the pilot to be in uniform at all times while on duty. Joe was given a written warning on May 12, 2014, and final warning on January 2, 2015, before his termination.
- Joe Smith was terminated on May 29, 2015, due to noncompliance with the company's attendance policy. Joe was tardy for check-in at the beginning of a trip on October 12, 2012, late for check-in during a scheduled overnight on January 5, 2013, and absent for a trip on December 25, 2014.
- Joe Smith was terminated on May 29, 2015, due to insubordination. The pilot was instructed by crew scheduling to operate a flight from OKC-ORD on January 15, 2015; however, Joe declined to operate the flight.

iii. Pilot-Initiated Separation Unrelated to Pilot Performance

If a pilot employee resigns his or her position with an air carrier or other operator (voluntarily or at the direction of the employer), the air carrier or operator would be required to enter the final date of employment with the employer and indicate that the pilot resigned. Because resignations are pilot-initiated, they do not generate employer records that are otherwise covered under the PRD Act or this proposed rule. Accordingly, employers would not be required to enter information other than the date of resignation into the database.

The FAA recognizes that generally, in the employment context, employers and employees reach an agreement under which the employee resigns in lieu of termination. For the purposes of this proposal, the FAA does not believe that it will affect the purpose and integrity of the PRD. If a resignation in lieu of termination occurs for safety or performance related reasons, there would be other information submitted to PRD documenting those issues. If the resignation is for other reasons unrelated to the pilot's qualifications, that information would be outside the scope of reportable information. Lastly, if a pilot resigned subsequent to a disciplinary action related to his or her performance as a pilot, that disciplinary action would remain reportable the PRD irrespective of the resignation.

1. State Driving Records and the National Driver Register

Section 44703(i)(2)(C) requires the PRD to contain ''information concerning the motor vehicle driving record of the individual.'' This information must be obtained ''[i]n accordance with § 30305(b)(8) of [title 49 U.S.C.] from the chief driver licensing official of a [s]tate,'' as provided in the PRD Act. Moreover, § 44703(i)(4)(B)(i) requires this information to be reported by ''air carriers and other persons . . . to the Administrator promptly'' for inclusion in the database.

Currently under PRIA, a prospective air carrier employer or authorized agent must request and receive relevant ''information concerning the motor vehicle driving record of [an] individual'' using the National Driver Register (NDR) ''pointer system,'' before allowing the individual to begin service as a pilot. The NDR, which is maintained by the National Highway Traffic Safety Administration (NHTSA), is a system for identifying whether an individual has a record of certain driving offenses in ''participating'' States.[113]

[111] If an individual were no longer able to hold a first-class medical certificate and, as a result, could no longer act as a PIC but was able to hold a second-class medical certificate and act as an SIC, an air carrier or operator would be required to input into the PRD that the individual was physically disqualified as a PIC. A final date of employment would not be entered into the PRD in this situation since the pilot continues to be employed as an SIC.

[112] The separation-of-employment date would be documented in the PRD and include a statement that the individual was terminated from employment for other than pilot-performance issues, as defined by PRD.

[113] A ''participating State'' is ''a State that has notified the Secretary under [49 U.S.C. 30303] of its participation in the National Driver Register.'' Currently, all 50 States and the District of Columbia participate in the NDR.

In current practice, consistent with PRIA and AC 120–68, the air carrier obtains the pilot candidate's consent prior to searching the NDR for that candidate's driving records. Next, the air carrier submits a request to the State that has issued the individual pilot's driver's license to perform an inquiry in the NDR. The NDR database performs a query on the individual to match any of the following information: State of record, full legal names and/or alias names, date of birth, driver's license number, social security number (State law permitting), height, weight, eye color, and gender.

If no matches are found, that means that there are no records on driving offenses in the NDR on that particular person, a file indicating that no ''hits'' were found is sent to the air carrier from the NDR, and the process is complete. However, if a match is found, the NDR then returns a search result to the air carrier, with information pointing to the State with relevant driving offense information for the individual subject of the search. The prospective employer then submits a request for those records to the State or States indicated in the search.

Accordingly, under PRIA, the air carrier's obligation is complete when either: (1) The NDR search returns a negative result indicating no participating State has relevant records pertaining to the individual; or (2) in the event of a positive NDR search result, the air carrier has requested and received all relevant State driving records from each participating State listed in the NDR search result.

The PRD Act builds on the PRIA mandate by placing an affirmative obligation on the air carrier to evaluate the records an air carrier requests and receives. *See* 49 U.S.C. 44703(h)(1)(C) and 44703(i)(2)(C). As a result, the FAA's proposal for implementing the PRD Act's NDR requirements largely mirrors the existing PRIA framework for air carriers to obtain driving records using the NDR, as documented in AC 120–68. The notable difference is, in addition to directing hiring air carriers to request and receive records from the NDR, the proposed rule also directs the air carrier to evaluate the records, or lack thereof, during the hiring process. The proposed rule does not require or contemplate that the hiring operator would record its evaluation of a pilot's driving record within the PRD.

The FAA acknowledges that the PRD Act could be interpreted to require driving records identified in an NDR search to be included in the PRD (see 49 U.S.C. 44703(i)(2)(C) and (i)(4)(B)(i)); however, the FAA does not believe that would be a reasonable interpretation. Requiring air carriers to copy NDR ''pointer information'' and substantive State driving record information related to an individual pilot into the PRD creates an unreasonable conflict with existing State authority over driver recordkeeping and expunction of records, would conflict with 49 U.S.C. 30305, and creates an unnecessary duplication of records. The FAA does not interpret the PRD Act to supersede these other statutory provisions. Reading the requirements of these authorities together, the FAA does not interpret the PRD Act to create new reporting or record keeping requirements that would duplicate existing NDR and State processes and authorities.

To facilitate compliance with the statutory requirement that air carriers and participating operators review any pointer information, this proposed rule would require employers retain a record of the completion of the NDR search for potential audit by an FAA inspector. Employers would verify they completed the search by checking a box which will be contained in the PRD.

E. Exclusion of Voluntary Aviation Safety Program Records

The FAA proposes in § 111.245 to prohibit entry into the PRD of any record containing information regarding an event (*e.g.,* training or evaluation) imposed by an air carrier or other person, above and beyond usual FAA-required training and proficiency requirements, as a corrective action related to the subject of a protected voluntary safety report. The FAA has created several voluntary safety programs to encourage the disclosure of safety events or incidents that occur within the aviation industry, which might otherwise remain unreported due to an individual's fear of disciplinary action or the potential for FAA enforcement action. The goal of these programs is to identify and correct potential safety hazards. Among these programs is the Aviation Safety Action Program (ASAP), established in 1997, which encourages voluntary reporting by preventing the FAA and employers from using the voluntary reports as a basis to take legal enforcement action and disciplinary action, respectively.[114] Further, the ASAP report is protected from disclosure to the public, with certain defined exceptions.[115] The information contained within voluntary safety programs is protected from disclosure by 49 U.S.C. 40123 and the agency's implementing regulations at 14 CFR part 193. The PRD ARC expressed concern about the treatment of ASAP and other voluntary safety reporting records in the context of PRD and recommended that these records be excluded from the PRD. The ARC stated that these programs have been very effective in enhancing aviation safety, and that the ability of employers, unions, and the FAA to discuss de-identified information in a non-punitive atmosphere was key to the success of ASAP and other programs like it. To include such information in the PRD would have a chilling effect on these programs, and therefore harm their safety effectiveness and compromise the FAA mission.

Although events reported through ASAP might ''pertain [ ] to the individual's performance as a pilot'' as well as the individual's ''professional competence'' and any resulting corrective action assigned could include training, the FAA agrees with the ARC that it is appropriate to exclude ASAP reports from the PRD. The FAA does not interpret the PRD Act to supersede the existing protection given to voluntarily provided ASAP records under § 40123 and 14 CFR part 193. To do so would have a chilling effect on these programs, harm their safety effectiveness, and compromise the FAA's mission. Nothing in the PRD Act points to this intended outcome. Therefore, the FAA is not proposing to include any voluntarily submitted report or any information related to the underlying event reported through ASAP or other approved voluntary safety reporting program otherwise protected by a part 193 designation, which would potentially reveal the source or substance of the voluntarily submitted report.

F. Good Faith Exception

The PRD Act provides an exception that permits air carriers or operators to hire pilots without obtaining the required records from the PRD if the carrier makes a good faith effort to access them.[116] This exception is limited the circumstances discussed

[114] More information about ASAP can be found in AC 120–66.

[115] Voluntarily provided information can be disclosed if ''withholding it would not be consistent with the FAA's safety and security responsibilities.'' 14 CFR 193.9. One example of this is de-identified, summarized information used to explain the need for changes in policies and regulations. The FAA may also disclose information if, among other situations, it is needed ''to correct a condition that compromises safety or security, if that condition continues uncorrected.'' § 193.9(a)(2). Also, individual programs like ASAP can also have their own disclosure policies ''consistent with the FAA's safety and security responsibilities'' that cover additional situations.

[116] Codified at 49 U.S.C. 44703(i)(12).

below. The FAA believes that many air carriers and operators would need to utilize this exception to hire individuals as pilots since more than 750 companies, including commercial carriers, from 2010 through 2015 have ceased operations and no longer hold an FAA certificate.[117] Additionally, the DOT OIG estimates an additional 550 commercial carriers will cease operations prior to the implementation of the PRD. In an effort to ensure pilots that were previously employed by air carriers and operators that have ceased operations are not disqualified for employment opportunities as a pilot, the FAA is proposing to implement the ''good faith exception'' in § 111.115.

The good faith exception would have limitations to prevent its misuse. If an individual was employed as a pilot by an air carrier after August 1, 2005, all of the pilot's records would have to be included in the PRD if the air carrier were still in operation at the time of PRD implementation. Additionally, if an individual was employed by a part 125 or 135 operator as a pilot after August 1, 2010, all of the pilot's records would have to be included in the PRD if the operator were still in operation at the time of PRD implementation. However, if the air carrier or operator was not in business at the time of PRD implementation, the individual's records related to performance as a pilot may not be able to be included in the PRD. In these circumstances, the good faith exception would apply. However, the records not reported to the PRD on an individual's performance as a pilot by a defunct air carrier or operator would not need to be considered for hiring purposes and would be considered to satisfy the ''good faith exception.''

G. Pilot Records Improvement Act (PRIA) Transition

The PRD Act gives the FAA the discretion to determine an appropriate transition period from the PRIA to the PRD requirements. The FAA proposes to sunset the PRIA requirements two years and 90 days after the effective date of the final rule that follows this proposal. During that time, affected operators would be responsible for complying with both the PRD and the PRIA requirements. The FAA believes this is appropriate because, during the transition period, the PRD will contain some—but not all—historical records. Accordingly, not all pilots would have a complete record in the database for prospective employers to search.

PRIA's continuation would be a necessary component of the transition to an electronic database by allowing air carriers and other operators a period of time during which to transition their present and future records to an electronic system. The continuation of PRIA would also provide additional time to develop a mechanism by which to transfer historical records to the PRD. During this transition, air carriers and other operators would still be able to report, access, and evaluate the PRIA records necessary for employment of pilots.

The FAA determined that two years and 90 days would be an appropriate length of time in which to maintain PRIA after publishing a final PRD rule. This overlap in PRD and PRIA requirements is intended to provide time for air carriers or operators who may not yet be compliant with proposed PRD to resolve any remaining issues regarding completeness of PRD records and hiring carriers or operators to fulfill pilot applicant evaluation obligations. The FAA anticipates it will take time for air carriers and operators, particularly the larger companies who have thousands of records, to establish procedures and the technical ability to begin uploading records into the PRD. Not all air carriers might be able to comply with the requirements simultaneously. The proposed period of overlap provides time for air carriers to transfer their historical records while still beginning to comply with PRD for their present and future records. This will facilitate the gathering of pilot records from all sources while the transition is ongoing.

This proposed rule would allow up to 1 year from publication of the final rule for these companies to establish the policies and procedures and to begin uploading records into the PRD. After they begin uploading, it will take additional time to complete the process of compliance, based on the number records to be entered, the process selected, and the resources each company devotes to the task. Considering the wide range of air carriers and operators that would be required to upload records, this proposed rule provides an additional year to completely upload all historical and current records into the PRD once the process of inputting the records begins. During this uploading period, it will be impossible for a hiring aviation employer to know which records have been uploaded to the PRD and which are still only maintained by previous employers. It will be necessary, therefore, for the hiring employers to review all FAA records maintained in the PRD as well as request records from previous employers using the PRIA process to ensure they have evaluated all pertinent records. The FAA welcomes comments on whether the period of overlap during the transition between PRD and PRIA should be shortened or extended. The FAA recognizes that there are inefficiencies associated with this overlap, and that air carriers and operators that are compliant ahead of schedule may wish to direct queries to the PRD rather than respond to paper-based PRIA inquiries. The FAA also welcomes comment on whether it would be helpful for the FAA to maintain a publicly available list of all air carriers and operators who are fully compliant with PRD ahead of schedule so that prospective employers can query the PRD directly. The FAA would consider providing reasonable incentives for early compliance, and invites comments on possible incentives for early compliance.

Additionally, during the transition to PRD, entities that conduct public aircraft operations, air tour operators who conduct operations under § 91.147, and trustees in bankruptcy would also be required to respond to PRIA requests from other air carriers and operators. These operators would be required to report records under the proposed PRD and are currently required to comply with PRIA to different extents, as discussed previously in this NPRM. For consistency with the PRD reporting requirements, the FAA has determined that these operators would also be required to report records in accordance with the existing PRIA reporting process, during the transition to PRD, once PRD is effective. Essentially, all carriers should be using the PRD for FAA records and should be receiving air carrier records via PRIA until the compliance period is complete.

IV. Database Design and Security

The PRD application would contain sensitive information whose loss, misuse, or unauthorized access could drastically affect the privacy of application users or affect the conduct of Federal government programs. With this threat in mind, the FAA will adhere to National Institute of Standards and Technology (NIST) Federal Information Security Management Act (FISMA) 800.53 Security and Privacy Controls for Federal Information Systems and Organizations to secure information contained in PRD.

The PRD application would categorize PRD users into different roles when they register for PRD access. The

[117] DOT OIG audit report (page 8) entitled ''FAA Delays in Establishing a Pilot Records Database Limit Air Carriers' Access to Background Information.''

functionality available to each user would be determined by this categorization. User access would be tightly controlled, with the majority of users (*i.e.,* pilot-users) only able to view data. Users representing air carriers and operators employing pilots that are required to report data into the PRD would be granted data entry permission, and PRD administrative users within the FAA would be granted permission to manage system-level issues, such as the pilot-consent expiration period. A small set of PRD users within the FAA would be granted sufficient privileges to update PRD-specific reference tables used to define and support PRD records. The FAA believes that the security constraints on the PRD would enable the database to operate securely.

A. Management of Users

The PRD Act directs the Administrator to ''prescribe such regulations as may be necessary . . . to protect and secure . . . the personal privacy of any individual whose records are accessed'' in the database and to protect and secure ''the confidentiality of those records''.[118] Furthermore, the PRD Act requires that the FAA prescribe regulations ''as may be necessary to preclude the further dissemination of records received . . . by the person who accessed the records''.[119]

The information expected to be stored in the PRD and its supporting systems would be maintained with the highest practicable degree of security by implementing protective features to provide a secure system to store personal and confidential records on the performance of an individual as a pilot. However, the FAA believes that database security features alone would not provide sufficient protection of pilot records due to the number of certificated pilots and others expected to utilize the database. Therefore, the FAA is proposing to control access to the PRD through the establishment of a process to manage user access to the database, as well as any activity within the PRD. The proposed process would ensure the highest practicable degree of protection of privacy and confidentiality of the information contained in the PRD, while facilitating permissible actions by approved users. This proposed process is consistent with the limits imposed in the PRD Act on electronic access to the PRD, as well as how PRD data may be used.[120]

All users of the PRD must have an FAA user account prior to accessing the PRD. FAA user accounts are used to validate identity of the user and serves as a gate-keeper for several FAA systems, one of which is the PRD. All internal users (FAA employees and contractors) already hold FAA user accounts and no additional action is needed prior registering for a specific PRD user account. All external users must successfully create an FAA user account, if not already obtained, which includes an identity verification process. In the event an airman cannot successfully create an FAA user account, they will not be able to access the PRD directly. In these cases, an alternate process exists which allows an airman to sign a consent for to release his or her records to a potential aviation employer without the airman accessing the PRD.

After an individual who needs access to the PRD has obtained an FAA user account, they may register for the appropriate PRD specific user account. The PRD provides different account types dependent on the functions to be fulfilled by each user. Some PRD users will have more than one PRD user account type, referred to as user roles.

Pilots who will use the PRD to allow others to review their records would register for an airman role within the PRD. Those users will only be able to view their own record.

Collectively, the roles held by individuals who work directly for a particular air carrier or other operator are called authorized user roles. Authorized user roles include more specific roles supported by the PRD such as authorized responsible person role, authorized user manager role, and authorized consumer role. Individuals who will manage records, manage other user accounts, and be accountable for all actions taken within the PRD for a particular air carrier or other operator would register for an authorized responsible person role. The FAA Flight Standards person in the PRD Administrator Role must approve the responsible person. As part of the approval, the FAA would check the list of fiduciaries maintained by the FAA inspector for that air carrier to further verify the correct person is requesting to be the responsible person.

Individuals who will manage records for a particular aviation employer would register for an authorized consumer role. They would not have the same level of access as an authorized responsible person. Individuals who will manage other user accounts for a particular aviation employer would register for an authorized user manager role. These roles are also available in cases of third parties accessing the PRD on behalf of a particular air carrier or other operator. Third party users are referred to as proxies and include proxy responsible persons, proxy authorized consumers, and proxy user managers.

The FAA expects that approximately 210,000 individuals would initially apply for access to the PRD, most of whom would be individual pilots seeking access to verify their own records. Table 5 depicts the users expected to initially apply for access to the PRD. However, air carriers and operators who would be required to report pilot data to the PRD would be required to apply to the FAA for access to the PRD within one year after the final rule's publication to obtain user credentials, before the deadline to report this information. The individuals who seek access to the database on behalf of an air carrier or operator would be granted greater access privileges, as discussed later in this proposal, compared to individual pilots with limited access to their own records.

TABLE 5—USERS EXPECTED TO INITIALLY APPLY FOR ACCESS TO THE PRD

Part 121 Air Carriers	70
Part 125 Operators	71
Part 135 Air Carriers and Operators	2,011
91.147 Air tour Operators	1,111
Public Aircraft Operations	322
91K Fraction Ownerships	8
Corporate Flight Departments	1,413
Pilots	193,000
Authorized Users	10,000
Proxies	1,904
Total	210,000

Of the approximately 210,000 individuals expected (through the proposed requirements) to register for PRD access in accordance with the implementation of the PRD, the FAA expects that 5,006 requests would be received from air carriers and operators employing pilots that would be required to report data to the PRD.

All individuals registering for access to the database on behalf of an air carrier or other operator employing pilots whose registrations are approved would be issued a unique identifier representing their user account that would be verified using appropriate methods designed to provide the level of security necessary to protect the database from unauthorized use. The FAA anticipates air carriers or operators employing many pilots may seek FAA approval for the responsible person to delegate database access to other individuals (*e.g.,* individuals working in

[118] *See* § 44703(i)(11)(A).

[119] *See* § 44703(i)(11)(B).

[120] *See* § 44703(i)(9) and (13).

a human resource department) to input and access data in the PRD.[121] The expected average number of users with access privileges per air carrier or operator would be two; based on that assumption, the FAA expects 5,006 air carriers and operators to assign a total of 10,000 individuals user rights to the PRD. The FAA also expects part 121 certificate holders to have a higher number of users with access privileges than other air carriers and operators.

Finally, individual pilots would be provided access the PRD for two purposes: To provide consent to air carriers or other prospective employer to access their records during the hiring process, and to access and review for accuracy their own individual information maintained in the database at any time. The FAA proposes to limit pilot access to the PRD to holders of an FAA-issued commercial pilot certificate, airline transport pilot certificate, or remote pilot certificate, where applicable.[122]

All air carriers, operators, and eligible pilots would be required to register for user rights to the PRD through a web-based process proposed in §§ 111.15 or 111.305, as applicable. The FAA would then issue user IDs only electronically to an air carrier, operator, company, or eligible individual pilot upon completion of the registration process and validation of the information.

The basic eligibility requirement for access to the PRD would be that the air carrier, operator, or individual is known to the FAA before the registration process begins. This would ensure the air carrier, operator, company, or individual has had an identification verification completed in accordance with FAA procedures by an FAA Aviation Safety Inspector, Aviation Safety Technician, designee of the Administrator, or other authorized person. During PRD implementation, the FAA may find that some operators have not already been verified by the FAA because they have not had prior interaction with their local Flight Standards District Office. Those operators would have to verify themselves to the FAA prior to registering for the PRD. The FAA expects that this number would be small.

1. Overview of User Roles and Registration

Approved registrants would be issued user IDs via their user account, subject to renewal, cancellation and denial, in order for the FAA to continuously manage all database users and maintain system security. The FAA proposes that all prospective users would identify the requested user role through the registration process. Individuals registering for user rights to the PRD would select the appropriate role requested depending on the access type needed with the PRD. Only a single unique ID is needed to register for multiple roles with the PRD. As previously described, the roles available are authorized responsible person, authorized consumer, and authorized user manager. This role structure is duplicated for proxy users.

The FAA proposes in § 111.15(b) that the user registration process require all users to provide the FAA with the individual's full name, the individual's date of birth, a valid electronic mail address, all business names and the address for the principal base of operations for the air carrier or other operator, the purpose for which database access is requested, the individual's job title, the FAA air carrier or operating certificate number and pilot certificate number, as applicable, and any additional information the Administrator may request in order to verify identity. Additional information would not be requested unless the registrant's identity cannot be verified with the information provided. Additionally, if an individual is registering for an authorized responsible person user role, the individual would include information regarding the applicable eligibility criteria provided in § 111.15(d). All of this information is necessary for identity verification.

If an operator employing pilots—such as an entity conducting public aircraft operations, corporate flight department, or a trustee in a bankruptcy proceeding—does not have an FAA-issued operating certificate number, the operator would provide its principal business address, the type of aircraft operated, and the number of aircraft operated. The FAA would use this information to determine eligibility for PRD access and location of the operator.

2. Registration for Pilot Records

Each air carrier or other operator required to enter data into the PRD would be assigned a pilot records database identification (PRD ID) in order to track all activity conducted in the PRD by each air carrier or operator. The PRD ID would be used to identify an air carrier or operator during any activity conducted in the PRD by a responsible person, authorized user, or proxy. A PRD ID would be assigned to an air carrier or operator during the initial registration process for access to the PRD. The PRD ID would be valid as long as the air carrier or operator maintains an active responsible person for the PRD. However, the PRD ID would be subject to cancellation if it did not have any responsible persons assigned to the account for a period of 24 months. Additionally, all individual users, including users in the pilot role, would be issued individual user IDs via their user account that can be used to track PRD activity.

B. General Eligibility Requirements for Access to the Pilot Records Database

The FAA is proposing to establish eligibility requirements for required users of the PRD to further ensure system security. One such required user is a responsible person, who is the primary point of contact for each employer and has the most control over each employer's relationship with the PRD. Responsible persons would be required to meet the strictest eligibility criteria since that user role would be provided the most access rights to the PRD of any user other than the Administrator. Other individuals with database access would be assigned, edited, or deactivated by the responsible person. Additionally, the responsible person and air carrier or operator would assume any liability for a user accessing the PRD through the air carrier or operator's assigned PRD ID, as proposed in § 111.20. All activity in the PRD would be tracked by the user ID, and the log would be maintained by system usage to ensure system security. The FAA expects that responsible persons for air carriers and operators would establish additional requirements and procedures for authorized users and proxies prior to delegating access to the PRD.

1. Authorized Responsible Persons

One eligible individual employed by each air carrier and operator would be required to register as an authorized responsible person (RP) through the air carrier's PRD ID. Air carriers would be accountable for the RP. The air carrier or operator and the RP would be responsible for entering, accessing, editing, and monitoring all activity, subject to the limitations of use, in the PRD by the air carrier or operator. Since

[121] Operators employing less than five pilots may not choose to use multiple users because they have different resource allocations than a larger operator would and therefore would likely have fewer individuals performing jobs that would require interaction with the database. An analysis of the FAA's Safety Performance Analysis System (SPAS) on December 2, 2015, indicated that 1,442 air carriers and operators employing pilots have less than five pilots employed at the time of analysis.

[122] In accordance with §§ 61.89, 61.101, 61.113, and 61.315, only commercial and ATP certificate holders may operate an aircraft for compensation or hire as a pilot.

the RP would be responsible for all of the air carrier's or operator's interaction with the personal and confidential information within the PRD, the individual would be required to meet several eligibility requirements to achieve a high level of security. The eligibility requirements proposed for the PRD would ensure that the individual's identity is verified by the FAA.

The FAA is proposing in § 111.15(d)(1) that an individual registering for access to the PRD as a RP, on behalf of a part 119 certificate holder authorized for operations under parts 121 or part 135, be a person who serves in a management position listed under § 119.65(a) or 119.69(a) (as applicable) and is listed on the air carrier's operations specifications. Those management positions include the Director of Safety, Director of Operations, Chief Pilot, Director of Maintenance, and Chief Inspector for part 121 and Director of Operations, Chief Pilot, and Director of Maintenance for part 135. The FAA does not assume that management personnel will fulfill all of the air carrier's PRD obligations. Thus, the FAA proposes to permit the RP to delegate the authority to fulfill the air carrier's PRD obligations to another employee (*i.e.,* authorized consumer or user manager) or proxy. The RP and air carrier would continue to be held accountable for actions of any individuals delegated the authority to use the PRD.

If the RP no longer meets the criteria in § 111.15 to serve in that position, his or her PRD user credentials would be cancelled once the FAA is notified. The air carrier would then have to seek FAA approval of a new RP through the process described in § 111.15(e).

If a RP's database access is cancelled, the delegation of database access to authorized users and proxies would remain valid as long as the air carrier or other operator submits an application for database access for a new RP prior to the cancellation of the prior RP's credentials, in accordance with proposed §§ 111.15(e) and 111.20(c)(1). If the RP role is unoccupied for any period of time, the database access of authorized users and proxies may also be denied until a new RP is in place. Additionally, if the access of a RP is denied for any reason provided in § 111.25(d), the database access of authorized persons and proxies connected to that responsible person may also be denied. These access limitations are to ensure database integrity and security and to provide the FAA with the authority to limit database access in a case of misuse by a database user.

In accordance with § 111.15(d)(2), individuals registering for access to the PRD as a RP on behalf of a part 125 operator would be required to serve in a required management position under § 125.25(a), which would be a Director of Operations position. The FAA is proposing that all part 125 operator RPs meet the eligibility requirements similar to the proposal for part 121 responsible persons. Similarly, the FAA would therefore permit the RP to delegate the authority to use the PRD to other employees or proxies.

The FAA is proposing in § 111.15(d)(4) that the RP listed on an application for an air tour operator to register for access to the PRD would be the same responsible person listed on the operator's letter of authorization. The FAA expects that the responsible person named on the operator's letter of authorization would input pilot records into the PRD since the operations are typically seasonal, and air tour operators employ fewer pilots than other entities required to report data to the PRD. However, responsible persons for an air tour operator would also be permitted to delegate authority to another individual meeting the eligibility requirements outlined in § 111.20 for data entry purposes (and retrieval, if appropriate). The air tour operator and responsible persons would be held accountable by the FAA for the responsible person's actions within the PRD.

A registration for PRD access from a fractional ownership program under part 91 subpart K would be required to designate the program manager as defined in § 91.1001(b)(9), or another individual designated as being officially able to apply for and receive management specifications for the program manager to serve as the operator's RP. The designated individual who may register for and receive management specifications issued in accordance with § 91.1015 must be listed on the fractional ownership's management specification in paragraph A007. Additionally, the individual registering for access to the PRD as a RP on behalf of the 91K fractional ownership must meet the remaining requirements proposed in § 111.15(d)(6)—that is, the individual must be employed by the fractional ownership program, and that the FAA must verify that individual's identity in accordance with Federal IT practices. If the program manager meets the requirements of § 111.15(d)(6), that individual would be able to register for access to the PRD on behalf of the fractional ownership program—otherwise, it must be a different individual listed on the management specification in paragraph A007. The FAA believes that the additional requirements for a RP of a fractional ownership program are necessary since a program manager is not required to hold an FAA certificate and thus may be unknown to the FAA. The FAA believes that the security of the PRD would be enhanced by the proposed requirement that responsible persons be known to the FAA.

Entities conducting public aircraft operations and corporate flight departments would also be required to register for a user ID from the FAA and select a responsible person for PRD access. These operators would be required to designate as their responsible person an individual who serves in a position equivalent to a chief pilot and who is responsible for either the management of the pilots on staff or the management of its business. The individual must be employed by the operator applying for access and have their identity verified by the FAA in order to receive access.

The FAA proposes to define employment with an entity conducting public aircraft operations or corporate flight department in the same way as it would define employment for a fractional ownership program. The FAA proposes to define the term *employed* for the purposes of these types of operators as being paid for more than 20 hours per week for services rendered to operator.

At the time of registration, a responsible person applying for credentials for an entity conducting public aircraft operations, a corporate flight department, or any operator that does not have FAA-approved management personnel would be required to furnish a statement to the FAA declaring his or her intention to act as the operator's point of contact for PRD matters. This statement would be required in addition to the information required of all other responsible persons as proposed in § 111.15(d)(6). This statement is necessary to establish the applicant's authority to act as the RP within the PRD and will be retained by the FAA.

In addition, the responsible person would be required to furnish the principal business address of the operator, the type of aircraft operated, and the number of aircraft operated to confirm that the proposed rule's reporting requirements apply to the operator. The information the registrant provides would be verified by the FAA's PRD program manager by using the information on file with the FAA. If the information is verified, the PRD would

issue a user ID and user credentials to the responsible person. If the operator is not required to comply with the proposed part 111 requirements, the system will notify the registrant of the option to report information to the PRD on a voluntary basis. If the operator elects to report, all information entered into the PRD would have to comply with the appropriate regulations.

2. Responsible Persons' Delegation Authority and Authorized Users

An individual designated as an air carrier's or operator's responsible person would be issued credentials with delegation authority. The air carrier's or operator's responsible person would use his or her delegation authority to grant PRD access to other authorized users employed by the operator (*i.e.,* authorized consumers and authorized user managers) or proxies that meet the eligibility requirements of § 111.20. All user delegations would be completed electronically through the PRD and would not require FAA approval, authorization, or action other than the issuance of a different user ID, which would be used to track the authorized users. Each authorized user or proxy would have a unique user ID used, which would remain active only while the authorized user is employed by the operator or air carrier.

If any individual were to take action inconsistent with any provision of part 111, the air carrier's or operator's RP, and the employer, may be subject to enforcement action. The FAA notes that an air carrier or operator could grant user access rights to an individual who is not certificated, or otherwise known by the FAA, if the individual is an employee of the air carrier or operator, or is an employee of a proxy that has already obtained a user ID from the FAA. However, the air carrier or operator would be required to assume liability for any individual accessing the PRD on its behalf.

Air carriers and operators would be responsible for selecting authorized users and could change the individuals or the access rights for individuals at any time within the PRD. An air carrier may impose additional eligibility requirements on authorized users, and may assign this role to multiple persons.

As proposed in § 111.25, the registration would be valid for an amount of time to be determined by the Administrator from the date of issuance, unless it is cancelled or denied. The Administrator may also require renewal of credentials at recurring intervals. Currently, for access to the PRD for FAA PRIA records, user credentials are renewed every 365 days. This will likely be continued for end-state PRD subject to change of identity validation platforms, but the FAA would do so in accordance with all applicable information security guidance. PRD registration is subject to denial if the responsible person or any user fails to comply with the duties and responsibilities of PRD access or as necessary for its security. Failure to comply might include but is not limited to accessing information without consent, reporting false or fraudulent information to the PRD (as discussed in proposed § 111.35), and misuse of information from the PRD. Section 111.30 proposes to prohibit unauthorized access or use of the PRD. If database access is denied under § 111.25(d)(1), that person or individual user may submit a request for reconsideration in a form and a manner prescribed by the Administrator as proposed in § 111.25(d)(3), but database access would not be permitted pending reconsideration in order to preserve database security.

Additionally, if any air carrier or other operator with database access has its operating certificate or other authority to operate revoked by the FAA, per § 111.25(d)(2), the Administrator may deny database access.

3. Proxies

Air carriers or operators may elect to have outside organizations query or report data to the database on their behalf. Such an organization would be referred to as a proxy. The FAA proposes in § 111.20(a) to permit air carriers and operators employing pilots to delegate access rights to proxies. The air carrier's responsible person could delegate authority to individuals employed by a company that has obtained a user ID and employs individuals to comply with the requirements of subparts B or C of the proposed part 111.[123] The specific requirements that could be delegated include the entry of data on pilots employed by a specific air carrier or operator and requesting a pilot's records after receiving consent from the pilot during the hiring process for a specific air carrier or operator. Proxies would have limited use of the PRD based on the authority delegated by an air carrier or operator employing pilots. Additionally, air carriers and operators who elect to utilize a proxy would have to ensure that established procedures exist to ensure any proxy is able to comply with the proposed regulations in part 111 and any additional requirements imposed by the air carrier or operator. The air carrier or operator would not be permitted to delegate any responsibility or liability to the proxy. The FAA expects that procedures would be in place by the air carrier, operator, or proxy to ensure that all database regulations are adhered to during any use by the proxy.

Proxies would not be permitted to access the PRD without specific consent from an air carrier or operator since all activity in the database must be connected with an air carrier or operator. Each proxy would receive their own user ID. However, air carrier or operator user IDs (which are issued to responsible persons) would only function with the proxy's user ID if the responsible person has delegated authority to the proxy. Therefore, any activity performed in the database on behalf of an air carrier or operator would be authorized by the responsible person and tracked by the database if any misuse were to occur. The FAA believes that proposing the ability to utilize a proxy for complying with the reporting and accessing requirements would alleviate some time burden from air carriers or operators as long as the management of the proxies is actively monitored by the responsible person.

4. Pilot Users

As provided by the PRD Act, pilots would be required to provide consent for an air carrier to access and evaluate their PRD records during the hiring process. Additionally, the FAA would encourage all individual pilots to review their PRD records for accuracy and to submit correction requests if necessary. Individual pilots would be granted access to the PRD electronically by following the registration process in this section–specifically, by providing the requested identity information during the registration process. Individual pilots who have been certificated by the FAA have already been identified and vetted through an established process. Thus, these users pose minimal known risks to the PRD. Additionally, access to the PRD through an individual pilot-user role would be limited, and all access to the PRD would be tracked via a unique username for each user.

Pilots may access the PRD, as proposed in § 111.305, to review their own records and to give consent for an air carrier to access their record during the hiring process. A pilot's application for PRD access must include the pilot's full name from his or her pilot certificate, place of birth, FAA-issued

[123] As of November 1, 2014, approximately 51 companies offered services to air carrier and operators that are qualified to act on their behalf to comply with PRIA.

certificate number, a current U.S. mailing address and phone number, and a valid email address. These credentials would be subject to the same renewal, cancellation, and denial discussed in § 111.25.

Pilot consent is time-limited to a designated air carrier to see the FAA records in the PRD. Air carriers cannot search PRD broadly—the system would limit them to a specific individual's records only if the pilot gives consent and the consent period is still in effect. The pilot can revoke consent at any time. When granting consent, the pilot selects the length of time the record will be available.[124] The fee is only charged at the point the record is actually accessed by the hiring operator. No fees would be incurred in the event that a pilot's consent expires, is revoked, or reissued prior to the employer accessing the record. The time-limited consent period would only be for the operator's ability to access the record in the PRD; once downloaded, the operator could maintain the pilot's record within its internal paper or electronic systems, subject to applicable law relating to retention of personal information about an applicant.

C. Protection of the Privacy and Confidentiality of Pilots and Other Users

Section 203(b) of the PRD Act, codified in 49 U.S.C. 44703(i)(11), generally requires the FAA to implement regulations necessary to protect the privacy of individuals whose records are reported to the PRD, to protect the confidentiality of those records, and to prevent further dissemination of records obtained from the database.

The FAA proposes § 111.135 to require each person who accesses the PRD to actively protect the privacy of records and prevent their dissemination by keeping them secure. The FAA also proposes to prohibit an air carrier (or any other person who opts into the evaluation requirements as permitted in § 111.100 of this proposed rule) from accessing the PRD for an unauthorized purpose and from using any information retrieved from the PRD for any purpose other than ''assessing the qualifications of the individual in deciding whether to hire the individual as a pilot.''

The FAA also believes users of the PRD must effectively manage the retention and storage of any information accessed from the PRD for the purposes of evaluating an individual for employment. However, the FAA considered including specific restrictions on the retention and storage of data retrieved by an air carrier, operator, or other person from the PRD. The FAA also considered whether it would be appropriate to build another control into the system that disallows printing of an individual's information.

The FAA recognizes that there is significant variation among recordkeeping systems across the populations of air carriers and operators that would be subject to the information reporting and retrieval provisions of this proposed rule. The agency also recognizes that air carriers and operators would continue to use other sources of information, in addition to information in the PRD, such as information obtained separately through the NDR and personnel information from other available sources, to evaluate an individual in making a hiring decision. Therefore, the FAA believes it would disrupt the aviation industry's hiring processes to prevent information accessed in the PRD from being printed. The agency also notes that even if a print function were excluded from the PRD system, the information accessed in the PRD could be captured and retained by users of the system in other ways (*e.g.,* using the print screen function, taking a photograph of the screen, or copying the information into another format). Additionally, the FAA does not believe that a proposal to limit the period of time for which an air carrier or operator employing pilots may retain the records accessed from the PRD would be beneficial. The agency believes it is important to allow air carriers and operators the flexibility to build appropriate controls for protecting privacy and confidentiality of information into their existing recordkeeping systems.

The FAA recognizes that setting performance-based standards would provide the necessary flexibility to database users while ensuring the FAA would be able to take appropriate action in the event that an individual's privacy or confidentiality were compromised. The FAA proposes in § 111.135 to require all air carriers and operators to affirmatively protect the privacy and confidentiality of the records it has access to in the PRD. Each individual who interacts with the database would have a responsibility to protect the privacy and confidentiality of PRD records, and if the FAA found that an individual violated that responsibility by being misusing a pilot's information, the employer would be subject to enforcement for violation of this provision.

The FAA also proposes in § 111.105 to prohibit any air carrier or operator employing pilots, and proxies that access the PRD and retrieve information pertaining to an individual, from disseminating that information, for any purpose, to any person who is not directly involved in the hiring decision. The FAA emphasizes that in the event individual data retrieved from the PRD is used for any unauthorized purpose, is shared with any unauthorized individual, or is otherwise disseminated in violation of these provisions, the agency would exercise its enforcement authority to the greatest extent permitted by law.

Additionally, § 111.45 provides that, generally, information provided to the PRD, except the information specifically excepted in paragraph (b), could not be disclosed pursuant to FOIA, as required by the PRD Act.[125] The following exceptions would apply, as provided by the PRD Act: De-identified, summarized information may be disclosed to explain the need for changes in policies and regulations; information may be disclosed to correct a condition that compromises safety; information may be disclosed to carry out a criminal investigation or prosecution; information may be disclosed to comply with 49 U.S.C. 44905, regarding information about threats to civil aviation; and such information as the Administrator determines necessary may be disclosed if withholding the information would not be consistent with the safety responsibilities of the FAA. Records within the PRD may be disclosed outside of FAA to the extent permitted by the Privacy Act, including any routine uses described in the System of Records Notice for DOT/FAA 847, Aviation Records on Individuals (75 FR 68849, Nov. 9, 2010).

Lastly, 32 CFR 2002 sets forth instructions for federal agencies' handing of controlled unclassified information (CUI). Pilot records data that is determined to be CUI would be handled in accordance with the DOT and FAA's CUI policies, once implemented.

D. Electronic Access to Records

The PRD Act requires the FAA to provide air carriers with access to the PRD for purposes of evaluating the records pertaining to each individual the air carrier is considering to hire as a pilot. The FAA also may permit ''an individual designated by an air carrier to have electronic access to the database'' subject to certain limitations included in the PRD Act and other

[124] For example, options could distinct time periods such as—30, 45, or 60 days or a specific date. The specific details and time intervals available are subject to final system development and implementation processes.

[125] 49 U.S.C. 44703(i)(9)(B)

terms proposed by the FAA. All individuals who would access the PRD must have their identity validated prior to access.

In addition, the PRD Act requires that air carriers and certain other persons report information ''to the Administrator promptly for entry into the database'' with regard to any individual used as a pilot in the air carrier or other person's operations. However, the PRD Act leaves the FAA discretion to determine the means by which the information is to be reported to the FAA for inclusion in the PRD. The FAA has determined that the most appropriate means for air carriers and operators to report information for inclusion in the PRD is to establish a process to grant direct electronic access to whoever would be required to report information.

By granting a user direct electronic access to the PRD, the FAA would facilitate the expedient use of timely and reliable information for an air carrier or operator employing pilots in making a hiring decision on a pilot seeking employment. The FAA contemplated utilizing physical documents for air carriers and other persons to record data, which then would have been mailed to the FAA for data entry; however, this process was duplicative and time-intensive compared to direct user entry in an electronic format. A record mailed to the FAA for entry into the PRD may be delayed by shipping and processing time, which could result in inaccurate or outdated information being available to a hiring air carrier or operator employing pilots.

The PRD Act also requires air carriers to ''obtain the written consent of an individual before accessing records pertaining to the individual'' in the PRD. The FAA is prohibited from allowing ''an air carrier to access records pertaining to an individual from the database . . .'' unless the air carrier has demonstrated ''to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.'' In order to ensure that no information pertaining to any individual is accessed in the PRD without the explicit permission of that individual, the FAA believes it is appropriate to automate the process for pilots to provide their consent for a particular air carrier or operator employing pilots to access their individual PRD data.

The electronic format for a pilot to submit his or her consent to the PRD for a particular air carrier or other person to gain access to his or her PRD records would ensure a standardized and accurate process that can be completed in a timely manner. This consistent, electronic process would permit a pilot to grant consent and enable the air carrier or other PRD user to access the pilot's information more quickly than a physical document that must be recorded and tracked by the user accessing the system.

As provided in §§ 111.15 and 111.305 of the proposed rule, all PRD users, including air carriers and operators, other pilot employers, and individual pilots, would be required to register for access and use of the PRD.

1. Pilot Consent

Before a hiring air carrier or operator may access the PRD to obtain an individual's records, the individual responsible for hiring must obtain consent from the pilot. As proposed, consent would be provided by the individual seeking employment with a particular air carrier or other operator and expire after a period of time, set by the pilot, that does not exceed 60 days. Once the pilot has become an authorized user of the PRD, that pilot would be able to provide consent for a particular air carrier to retrieve that pilot's PRD record. As provided in the PRD Act and proposed in § 111.125, the hiring employer may also require a pilot-applicant ''to execute a release from liability for any claim arising from accessing the records or the use of such records.'' [126] This would be completed outside of the PRD through the hiring employer.[127]

2. Hiring Employer's Role During the Request Process

After obtaining pilot consent, the hiring employer or its proxy would access the pilot-applicant's PRD records by entering the pilot's first or last name and FAA pilot certificate number. The FAA emphasizes that, except for the Administrator, only personnel directly involved in making the hiring decision would be allowed to access and evaluate the pilot-applicant's PRD record. During its review and evaluation, the hiring employer would be required to take the appropriate actions necessary to protect the privacy of the pilot and the confidentiality of the records. Any questions developed by the air carrier or operator should be directed to the individual during the interview phase of the hiring process.

Consistent with current practice under PRIA and in accordance with the PRD Act, the FAA proposes in § 111.130 that if an individual seeking employment as a pilot with the air carrier refuses to provide written consent to obtain the subject's records or refuses to execute a release from liability, an air carrier may refuse to hire that individual as a pilot. In this case, no action or proceeding may be brought against the air carrier.

The hiring employer should report to the PRD Program Manager any information that the hiring employer discovers outside the PRD that should have been included in the PRD. The Program Manager will advise the prior employer of the discrepancy.

3. Record Retention and Removal Upon Death of a Pilot

The FAA is required to ''maintain all records entered into the database under [the PRD Act] pertaining to an individual until the date of receipt of notification that the individual is deceased; and may remove the individual's records from the database after that date.'' However, the FAA does not historically receive pilot death notifications unless the individual was involved in a fatal accident. In order to remove records in a timely manner from the PRD, the FAA proposes to maintain an individual's records in the PRD until the FAA receives official notification of the pilot's death from the pilot's next of kin, or until 99 years have passed since the individual's date of birth. This would ensure a pilot's records remain in the PRD as required by the PRD Act, while also providing a method for removing records absent official notification of an individual pilot's death. The FAA acknowledges that it may never receive such notification and proposes this alternative to ensure compliance with the PRD Act's provision on removal of a deceased pilot's PRD record. Notification of a pilot's death would be made in accordance with the provisions of proposed § 111.50. The FAA notes that in a dissent to the PRD ARC report, some ARC members suggested the FAA remove and store, for an undefined period of time, deceased pilots' records from the PRD, in a location where the records would remain available to the

[126] In drafting this waiver, air carriers should take care to avoid expanding the release beyond what is permitted in the statute. Section 40.27 of Title 49, Code of Federal Regulations (49 CFR) bars employers from having their employees execute any release ''with respect to any part of the drug or alcohol testing process.'' This section does not, however, exclude drug- and alcohol-testing records stored in and supplied by the PRD from the permitted waiver. For the purpose of FAA enforcement, the FAA considers drug- and alcohol-testing records stored in the PRD to be outside the drug- or alcohol-testing process, as stated in 49 CFR 40.27.

[127] Some records could contain derogatory information. In the RIA, the FAA acknowledges this possibility and the uncertainty in the amount of derogatory information that may be revealed in PRD.

FAA for security purposes or assistance with an investigation.[128]

The Omnibus Transportation Employee Testing Act of 1991 [129] provides for a permanent bar for employees who have been found to have committed alcohol-or-drug related misconduct after successfully completing a rehabilitation program from performing the same duties that they performed before such conduct. Since the individual reaching 99 years of age is a sufficient amount of time to serve as a lifetime ban, the FAA believes this number is an appropriate amount of time after which records can be deleted in order to maintain a current database when no notification of death is received.

V. User Fee for Accessing the PRD for Purposes of Evaluation

The PRD Act permits the FAA to recover a reasonable fee related to processing a request and furnishing copies to an air carrier or operator through the PRD.[130] The PRD Act further requires that fees recovered through the processing and furnishing of records in the database must be applied to certain costs related to the operation and maintenance of the database. Pursuant to this authority and to ensure the application's sustainability, the FAA proposes a user fee applicable to air carriers and operators that access a pilot's record in the database for the purpose of evaluating employee records, but not for reporting records. This user fee will also not apply to individual pilots accessing their own records in the PRD.

The FAA proposes to implement the user fee requirement one year after the date of publication of the final rule to coincide with the requirement for air carriers and operators to meet the PRD pilot record evaluation requirements of subpart B of part 111. Therefore, all users that access and evaluate an individual's records in the PRD would be subject to the proposed user fee beginning one year after the effective date of the final rule.

To establish a fee, the FAA developed a report (''Pilot Records Database Fee Methodology Report'') to provide an explanation concerning the methodology for the PRD user fee structure.[131] The user fee was designed by taking into consideration costs associated with the projected operations and maintenance of the PRD. As described in the user-fee report, the FAA proposes to charge a fee each time an air carrier or operator accesses an individual's record in the database. That fee is based on the following equation:

User Fee per Request: F equals *C* (the annual cost of operation and maintenance of the PRD) divided by *R* (the annual requests through the PRD).

$$F = \frac{C}{R}$$

When using this formula, the projected user fee would be $110 in Fiscal Year 2020. By imposing a fee per use based on the elements of the equation, the FAA would have the flexibility to update the fee, consistent with the Office of Management and Budget's Advisory Circular A–25, as the application's projected operations and maintenance costs change over its life. Thus, the user fee can be updated based on the number of requests to access an individual's records in the PRD and the application's annual cost of operation and maintenance.

VI. Regulatory Notices and Analyses

A. Regulatory Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Public Law 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this proposed rule. A full regulatory evaluation is available in the docket for this rulemaking.

In conducting these analyses, FAA has determined that this proposed rule: (1) Is not an economically ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866; (2) would have a significant economic impact on a substantial number of small entities; (3) would not create unnecessary obstacles to the foreign commerce of the United States; and (4) would not impose an unfunded mandate on state, local, or tribal governments, or on the private sector by exceeding the threshold identified above. These analyses are summarized below.

1. Summary of Total Benefits and Costs

After the effective date of the final rule that follows this proposal, air carriers and other operators would incur costs to report pilot records to the PRD, and to train and register as users of the PRD. Air carriers would also receive future cost savings once PRIA is phased out. The FAA would incur costs of the proposed rule related to the operations and maintenance of the PRD.

Over a 10-year period of analysis from 2021 through 2030,[132] the FAA estimates the proposed rule would result in present value net costs to industry and the FAA of about $12.8 million or $1.8 million annualized using a 7% discount rate. Using a 3% discount rate, the proposed rule would result in present value net costs of about $11.5 million over the same 10-year period of analysis or about $1.4 million annualized.

However, the FAA estimates industry would receive a net cost savings from the proposed rule due to the discontinuance of PRIA. Over the same 10-year period of analysis, the present value net cost savings of the proposed rule to industry are about $2.6 million or $0.4 million annualized using a 7% discount rate. Using a 3% discount rate, the proposed rule would have a present value net cost savings to industry of about $7.0 million over the same 10-year period of analysis or about $0.8 million annualized.

In addition to future regulatory costs, the FAA has incurred costs to prototype and develop the PRD since 2010.[133] From 2010 to 2020, the FAA estimates the present value PRD development costs are about $14.1 million or $1.5

[128] Report from the PRD ARC, p. 102.

[129] 49 U.S.C.A. §§ 45101–45106 (1995).

[130] *See* 49 U.S.C. 44703(i)(8).

[131] A copy of the user fee development report has been placed in the docket with this proposal.

[132] For this preliminary analysis, the FAA assumes the effective date of the final rule to be in calendar year 2021 with the 10-period of analysis of future regulatory impacts to be 2021 through 2030.

[133] On August 1, 2010, Congress directed the Administrator to establish the PRD (Pub. L. 111–216, Section 203 (49 U.S.C. 44703(i)).

million annualized using a 7% discount rate. Using a 3% discount rate, the present value PRD development costs are about $18.0 million over the same period or about $2.4 million annualized.

Therefore, the FAA estimates the total impacts of this regulatory action over a 21-year period of analysis from 2010 through 2030 that includes PRD development costs before the effective date of the final rule and future PRD regulatory impacts after the effective date of the final rule. Over this 21-year time period, this regulatory action would result in present value net costs of about $30.8 million or $2.8 million annualized using a 7% discount rate. Using a 3% discount rate, this regulatory action would result in present value net costs of about $25.6 million over the 21-year period of analysis or about $1.7 million annualized.

The following table summarizes the total benefits, costs and savings of the proposed rule to industry and the FAA.

TABLE 6—SUMMARY OF PRD BENEFITS, COSTS AND SAVINGS

Benefits

- Enhanced aviation safety by assisting air carriers in making informed hiring and personnel management decisions.
- Provides faster retrieval of pilot records compared to PRIA.
- Reduce inaccurate information and interpretation compared to PRIA.
- Easier storage and access of pilot records than PRIA.
- Allow for electronic searching of information on pilot records.
- Allows pilots to consent to releasing records—pilots have the opportunity to view the records.

Net Costs (Millions)

Category	Estimate	Discount Rate [1]	
		7%	3%
10-Year Regulatory Period (after effective date of rule), 2021–2030			
Industry *Cost Savings* from Discontinuance of PRIA [a].	10-Year Present Value	($24.2)	($30.8)
	Annualized	*(3.5)*	(*3.6*)
Industry Costs [b]	10-Year Present Value	21.6	23.7
	Annualized	*3.1*	*2.8*
FAA Costs [c]	10-Year Present Value	15.4	18.6
	Annualized	*2.2*	*2.2*
Net Regulatory Costs [d = a + b + c] [2]	10-Year Present Value	12.8	11.5
	Annualized	*1.8*	*1.4*
11-Year Development Period (before effective date of rule), 2010–2020			
Development Costs [e]	11-Year Present Value	18.0	14.1
	Annualized *(over 11 years)*	*2.4*	*1.5*
21-Year Total Development and Regulatory Periods, 2010–2030			
Total Costs	21-Year Present Value [= d + e]	30.8	25.6
	Annualized *(over 21 years)*	*2.8*	*1.7*

Notes:
[1] Estimates may not total due to rounding and parenthesis "()" around estimates denote savings.
[2] Industry and FAA costs are higher in the beginning of the period of analysis than industry cost savings resulting in net present value and annualized costs. This results a larger present value net regulatory cost estimate at a 7% discount rate compared to a 3% discount rate.

2. Scope of Affected Entities

The entities potentially affected by this proposed rule are: Part 119 certificate holders, fractional ownership programs, persons authorized to conduct air tour operations in accordance with § 91.147, persons operating a corporate flight department, and governmental entities conducting public aircraft operations.

3. Assumptions

- Analysis uses 2016 dollars.[134]
- The period of analysis includes 11 years of past PRD development costs that occur before the effective date of the final rule (2010–2020) and 10 years of future PRD regulatory impacts that would occur after the effective date of the final rule (2021–2030) for a total of 21 years (2010–2030).
- Air carriers who currently have FAA-approved electronic databases would continue to record pilot records into their own electronic database systems and transfer these records via automated utility to the PRD.
- Corporate flight departments are assumed to all have electronic databases.
- Parts 125 and 91K operators, and part 135 operators without FAA approval for electronic databases, are assumed to enter data manually into PRD.
- Air tour operators and entities conducting public aircraft operations are assumed to enter records manually.
- All others who do not currently have electronic databases are assumed to maintain the in-house systems and, in addition, would enter data manually into PRD.
- At the time of writing, the FAA only had data for additional annual cost of $1,500 for monitoring, trouble-

[134] Based on the best available information of impacts developed at the time of writing. Some information and data used in this analysis are based on 2016 FAA studies and data analysis of information technology costs and user fee calculations, such as the Pilot Records Database Fee Methodology Report (available in the docket). The FAA plans to update these studies, reports and data analysis for the final rule.

shooting and modifying for mid-size carriers. Therefore, for years two through ten, we added an additional $1,500 per mid-size carrier per year—see the regulatory Impact Analysis in the docket for more information. The FAA believes these incremental costs associated with operation and maintenance would be realized by all operators as a result of this proposal over and above existing information management practices, but is uncertain how to quantify them. The FAA is also uncertain if these costs would be at the same level annually or if they would diminish over time. The FAA requests comments with information and data on adding similar annual operation and maintenance costs that covering monitoring and troubleshooting for small and large operators, not just mid-sized.

4. Benefits

This proposed rule would result in enhanced aviation safety by assisting air carriers in making informed hiring and personnel management decisions using the most accurate and complete pilot records available and accessible electronically. The proposed rule would require the expanded use of the PRD that includes information maintained by the FAA concerning current airman certificates with any associated type ratings and current medical certificates, including any limitations or restrictions to those certificates, airman practical test failures, and summaries of legal enforcement actions. The PRD would contain air carrier, operator, and FAA records on an individual's performance as a pilot for the life of the individual that could be used as a hiring tool in an air carrier's decision-making process for pilot employment.

By requiring that pilot records be entered into the PRD and reviewed by the hiring air carrier, this proposal would:

- Enhance aviation safety by assisting air carriers in making informed hiring and personnel management decisions using the most accurate and complete pilot records available and electronically accessible. As previously discussed, there is not likely a single algorithm which can tell the potential employer if they should hire a pilot based on a ratio of satisfactory and unsatisfactory flight checks. However, providing this information about the airman would assist the potential employer in developing a more complete picture of that airman's overall performance as a pilot;
- Allow for speedier retrieval of pilot records from PRD than is possible with PRIA; with PRIA the hiring air carrier would have to request the records from sometimes multiple carriers and wait to receive the records. With PRD, the carrier would just have to log on to the database and search for the records;
- Lower the potential of inaccurate interpretation of pilot records by allowing for easier reading of pilot records, as the PRIA records might sometimes be handwritten and difficult to read;
- Allow for easier storage and access of pilot records than PRIA; and,
- Allow for electronic searching of information on pilot records.

5. Cost Savings

This proposal would result in quantified cost savings to industry because the proposed PRD would replace PRIA two years and 90 days after the final rule is effective. Today under PRIA, air carriers, operators, and pilots complete and mail (or fax) forms to authorize requests for pilots' records to be provided. Under the proposal, most of this process would occur electronically. Over the 10-year regulatory period after the effective date of the final rule (2021–2030), the FAA estimates industry would receive present value cost savings of $24.2 million or $3.5 million at a 7% discount rate. Using a 3% discount rate, the present value cost savings to industry would be about $30.8 million over the same 10-year period of analysis or about $3.6 million annualized. The preliminary analysis suggests industry cost savings from the discontinuance of PRIA would offset industry costs to implement PRD.

6. Costs

This proposed rule would require industry to report pilots' records to the FAA—present, future, and historical—and to register and train users of the PRD. The FAA acknowledges there's an initial cost to reporting historical records that will not be recurring. The following table summarizes the net industry costs of the proposed rule.

TABLE 7—SUMMARY OF NET INDUSTRY COSTS (AFTER EFFECTIVE DATE OF RULE), 10-YEAR PERIOD OF ANALYSIS

[2021–2030] *

Industry Costs by Major Provision Category	
Reporting Present and Future Records	$9,194,728
Reporting Historical Records	10,470,382
Train and Register PRD Users	5,955,764
Total Industry Costs of Proposed PRD	25,620,873
Total Cost Savings from Discontinuing PRIA	(37,190,516)
Total Net Costs	(11,569,643)
7% Present Value	(2,603,728)
3% Present Value	(7,040,752)

* Parenthesis "()" around numbers are used to indicate savings and distinguish from costs.

The following table summarizes the impacts to industry and the FAA after the effective date of the final rule. Over a 10-year period of analysis from 2021 through 2030, the FAA estimates the proposed rule would result in present value net costs to industry and the FAA of about $12.8 million or $1.8 million annualized using a 7% discount rate. Using a 3% discount rate, the proposed rule would result in present value net costs of about $11.5 million over the same 10-year period of analysis or about $1.4 million annualized.

TABLE 8—SUMMARY OF IMPACTS TO INDUSTRY AND FAA (AFTER EFFECTIVE DATE OF RULE), 10-YEAR PERIOD OF ANALYSIS
[2021–2030] *

Year	Potential calendar year	Industry costs and savings			FAA costs	Net cost of proposed rule		
		Costs	Cost savings from discontinuing PRIA	Net		Undiscounted	7% Present value	3% Present value
1	2021	$13,119,306	.....	$13,119,306	$2,301,395	$15,420,701	$14,411,870	$14,971,554
2	2022	5,561,251	.....	5,561,251	2,275,204	7,836,455	6,844,663	7,386,610
3	2023	864,779	(4,648,815)	(3,784,035)	2,254,025	(1,530,010)	(1,248,944)	(1,400,176)
4	2024	865,700	(4,648,815)	(3,783,114)	2,236,273	(1,546,841)	(1,180,078)	(1,374,348)
5	2025	866,582	(4,648,815)	(3,782,233)	2,197,556	(1,584,677)	(1,129,853)	(1,366,956)
6	2026	867,295	(4,648,815)	(3,781,519)	2,160,898	(1,620,621)	(1,079,888)	(1,357,245)
7	2027	867,906	(4,648,815)	(3,780,908)	2,124,240	(1,656,668)	(1,031,690)	(1,347,023)
8	2028	868,627	(4,648,815)	(3,780,187)	2,087,581	(1,692,606)	(985,112)	(1,336,159)
9	2029	869,355	(4,648,815)	(3,779,460)	2,050,923	(1,728,537)	(940,210)	(1,324,780)
10	2030	870,071	(4,648,815)	(3,778,744)	2,014,265	(1,764,479)	(896,972)	(1,312,938)
Total	.....	25,620,873	(37,190,516)	(11,569,643)	21,702,361	10,132,717	12,763,788	11,538,541
Annualized Net Costs							1,817,276	1,352,669

* **Notes:** (i) Totals may not add due to rounding.
(ii) In this table, parenthesis ''()'' around numbers are used to indicate savings and distinguish from costs.
(iii) Total undiscounted net cost is lower than present value estimates due to higher initial cost of reporting historical records discounted less than savings that occur after PRIA is discontinued.

B. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

This proposed rule is expected to have a significant economic impact on a substantial number of small entities. Under Sections 603(b) and (c) of the RFA, the initial regulatory flexibility analysis for a proposed rule must:

- Describe the reasons the agency is considering the action
- State the legal basis and objectives
- Describe the recordkeeping and other compliance requirements
- State all federal rules that may duplicate, overlap, or conflict
- Describe the estimated number of small entities impacted
- Describe alternatives considered

1. Description of Reasons the Agency Is Considering the Action

The FAA is publishing this rule to comply with the Airline Safety and Federal Aviation Administration Extension Act of 2010, which requires the FAA to establish an electronic database of pilot records. Congress introduced this legislation in response to the Colgan Air airplane crash in 2009, which killed 50 people.

In response to the Colgan Air flight 3407 accident findings by the NTSB, Congress passed H.R. 5900, which amended many longstanding aviation programs, including PRIA. H.R. 5900 was signed into law by the President as Public Law 111–216, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (the PRD Act). Section 203 of the PRD Act requires the FAA to establish a pilot records database that contains records from various sources related to individual pilot performance and to issue implementing regulations. Section 203 of the PRD Act amended PRIA by requiring the FAA to establish an electronic database that contains pilot records, which must be evaluated by air carriers prior to hiring an individual as a pilot. To address the requirements of Section 203, the FAA chartered an ARC to make recommendations on the implementation of the pilot records database.

2. Statement of the Legal Basis and Objectives

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code (49 U.S.C.). This rulemaking is promulgated under the general authority described in 49 U.S.C. 106(f), which establishes the authority of the Administrator to promulgate regulations and rules, and the specific authority provided by § 203 of the Airline Safety and Federal Aviation Administration Extension Act of 2010 (''the PRD Act''), codified at 49 U.S.C. 44703(h)–(j).

The authority for this particular rulemaking is derived from § 44703(i), which requires the Administrator to promulgate regulations to establish an electronic database containing records from the FAA and records maintained by air carriers and operators that employ individuals as pilots.

3. Description of the Recordkeeping and Other Compliance Requirements

The proposed rule would require all part 119 certificate holders, fractional ownership programs, persons authorized to operate air tour operations in accordance with § 91.147, persons operating a corporate flight department, and entities conducting public aircraft operations to report relevant records to an electronic PRD managed by the FAA. The PRD would include records from air carriers and persons that employ pilots regarding pilot training, qualification, proficiency, professional competence, drug and alcohol testing, final disciplinary action, and final separation from employment action. Air carriers and operators would also be required to enter verifying data in the PRD for each individual considered for employment as a pilot. Additionally, the database would include information maintained by the FAA concerning current airman certificates with any associated type ratings and current medical certificates, including any limitations or restrictions to those certificates, airman practical

test data, and summaries of legal enforcement actions.

4. All Federal Rules That May Duplicate, Overlap, or Conflict

The FAA would discontinue PRIA 2 years and 90 days after the publication of this rule. While it may seem that the FAA's PRD requirements overlap with PRIA, only the time period overlaps which would allow sufficient time for industry to begin using PRD and to finish entering historical data into PRD. This would allow PRIA to be available so hiring air carriers could receive the pilot records that have not yet been entered into the PRD. Hiring air carriers would, for approximately two years, continue to engage in the PRIA process for air carrier records in order to ensure that no records are missed in the intervening time. The full implementation of PRD after PRIA expires will result in significant improvement to ease of access to those records and no duplication of records.

5. Description and an Estimated Number of Small Entities Impacted

This proposed rule would affect substantial numbers of small entities operating under 91K, parts 121 and 135, air tour operators, entities conducting public aircraft operations, and corporate flight departments. There are four dozen small part 121 carriers and two thousand small part 135 carriers and operators. All part 125 operators are small. Air tour operators are also typically small. These operators may involve a couple of pilots flying less than five passengers per air tour. The FAA expects that all fractional ownerships are large with revenues exceeding $16.5 million. The FAA also estimates that entities flying public use aircraft are associated with large governmental jurisdictions. The FAA assumes that any corporation that could afford a corporate flight department would have in excess of $16.5 million in revenues and is therefore a large entity. The table below offers more details on the operator types effected.

TABLE 9—SUMMARY OF SMALL ENTITIES IMPACTED

Type/part	Number of entities	NAICS code [135]	SBA size standard	Size
Part 121 Air Carriers ...	76	481111—Scheduled Passenger Air Transportation; 481112—Scheduled Freight Air Transportation; 481211—Nonscheduled Chartered Passenger Air Transportation; 481212—Nonscheduled Chartered Freight Air Transportation.	Less than 1,500 employees.	45 small, 31 large.
Part 135 Air Carriers and Operators.	2,053	481111—Scheduled Passenger Air Transportation; 481112—Scheduled Freight Air Transportation; 481211—Nonscheduled Chartered Passenger Air Transportation; 481212—Nonscheduled Chartered Freight Air Transportation.	Less than 1,500 employees.	2050 small, 3 large.
Part 125 Operators	70	481219—Other Nonscheduled Air Transportation	less than $16.5M in revenues.	All small.
Part 91.147 Air Tour Operators.	1,091	481219—Other Nonscheduled Air Transportation	less than $16.5M in revenues.	All small.
Part 91.K Fractional Ownership.	7	481219—Other Nonscheduled Air Transportation	less than $16.5M in revenues.	All large.
Public Use Aircraft	323	481219—Other Nonscheduled Air Transportation	Large Governmental Jurisdictions.	All large.
Corporate Flight Departments.	1,413	481219—Other Nonscheduled Air Transportation	less than $16.5M in revenues.	All large.

*Size information is based on data available from eVID (FAA Management Information System, Vital Information Subsystem).

While there is a substantial number of small entities that would be affected by this rule, the FAA maintains that small entities would be affected to a smaller extent than large entities. This is because costs are a function of size. For instance, costs to manually enter data on pilots depends on the number of pilots that work and have worked for the operator. Both air tour operators and Part 125 operators are comprised entirely of small businesses. The FAA estimated that an average of about 3 pilots work for an air tour operator and 8 for a part 125 operator. Air tour operators would not be required to report historical records and would incur a cost of $56 per operator per year (or about $20 per pilot per year), and part 125 operators would incur a cost of $526 per operator (or about $65 per pilot) per year.

6. Alternatives Considered

The FAA considered four alternatives for the proposed rule. Some of these alternatives could have been less costly for small entities but the FAA rejected them because the advantages of selecting those alternatives were outweighed by policy considerations described below. Rather than proposing to require reporting from employers that might never employ pilots who would conduct operations on behalf of an air carrier, the proposed rule would only require reporting from entities that employ pilots who are or who would likely become air carrier pilots. The agency determined that requiring the submission of documents to the PRD that are unlikely to be accessed by a hiring air carrier or would not assist with an air carrier's hiring decision would be unduly burdensome and unnecessary for compliance with the PRD Act. The applicability of this proposed rule would minimize the burden because it would apply only to those employers that the PRD Act covers.

Alternative 1

The FAA considered requiring all of the past pilot historical data, but decided the proposed requirements would be sufficient, which is information that hiring air carries find most significant to review. The FAA believes those entering the data would be better able to refine this information and that hiring air carriers and operators would be more attentive to this more relevant data. Also, by limiting the set of historical data elements, the FAA would be harmonizing the amount of records each pilot would have in his or her respective PRD file.

Alternative 2

The FAA considered other options for the form and manner in which historical

[135] For definitions of the NAICS codes please refer to 2017 NAICS Manual, pg. 380 *https://www.census.gov/eos/www/naics/2017NAICS/2017_NAICS_Manual.pdf.* Also, please note that these definitions may not completely align with the definitions set out in the FAA Code of Federal Regulations.

records could be submitted to the PRD by air carriers and operators employing pilots. These alternative options included permitting the submission of records in portable document format (PDF), JPEG, bitmap (BMP), or other similar electronic file formats; the submission of records using coded XML; or the submission of specified information through direct manual data entry.

While the submission of records in PDF, JPEG, BMP, or other similar electronic file formats maybe the most expedient and least costly [136] for some air carriers and operators, the FAA rejected this option for multiple reasons. First, the FAA notes that the PRD ARC highlighted a crucial issue with the contents of historical records and indicated that many historical records maintained by the aviation industry contain information ''far outside'' the scope of the PRD. The acceptance of such file formats (*e.g.,* PDF, JPEG or BMP) would allow a large volume of extraneous data to be submitted to the PRD, possibly including protected or sensitive information on individuals or an air carrier or operator. The FAA would be required to review each individual pilot record and redact information as appropriate. This review may cause the availability of the uploaded records to be delayed until such time that the FAA could redact inappropriate information, if any existed within the file.

Finally, the FAA believes Congress intended the PRD to serve as a tool to assist an air carrier or operator in actually making hiring decisions, not only to serve as a repository for all existing information maintained by employers of pilots, or as a replacement for existing air carrier and operator recordkeeping systems. By allowing scanned documents or photographs of a pilot's record to be transmitted to the PRD, the FAA could not provide assurance that each record submitted would contain only the types of data relevant to the hiring decision, unless the FAA were to review each and every pilot record uploaded to the PRD. Furthermore, the FAA could not provide such assurances on every individual pilot record since much of the information could only be confirmed by the subject of the record.

Alternative 3

The FAA considered and rejected interpreting the PRD Act broadly and requiring all employers of pilots to comply with the proposed PRD requirements, regardless of whether the information would be useful to hiring air carriers or not. This could have included 22,000 employers. However, the FAA did not believe that this was a reasonable interpretation of the PRD Act. Looking at the statute as a whole, the FAA interpreted the requirement to be that ''other persons'' means those likely to employ pilots that would subsequently apply to be air carrier pilots. This interpretation is discussed in more detail in section III. Therefore, the FAA determined that applying the proposed requirements to those aircraft operators whose operations are most similar to air carrier operations would ensure the most relevant data would be available to hiring air carriers when conducting pilot employment background checks and would limit any potential database security issues that may arise from maintaining a high volume of employment information.

Alternative 4

Finally, the FAA has considered an alternative of requiring that air carriers and operators report present and future pilot records to the PRD, but continue to send historical records under PRIA until the PRD has 5 years of pilot records (by the start of 2025, the PRD would have data from 2020 to 2024), at which point PRIA could be discontinued. With this alternative, a hiring air carrier or operator would be able to access at least 5 years of pilot records back from when they are considering hiring the pilot (either because they would receive them via a PRIA request, or because they would be in PRD). This alternative might be less costly for some operators than submitting historical records through PRD because sending historical records under PRIA would not require them to transcribe records into the PRD format. However, the FAA rejected this alternative because the lack of a singular database would be detrimental to the purpose of the rulemaking and would diminish efficiency of review of pilot records by other employers who would have to access pilot records through both PRIA and PRD.

Therefore, this proposed rule would have a significant economic impact on a substantial number of small entities. The FAA solicits comments regarding this determination.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has determined this proposed rule addresses a Congressional mandate to ensure the safety of the American public. As a result, this rule does not create an unnecessary obstacle to foreign commerce. As a result, this rule is not considered as creating an unnecessary obstacle to foreign commerce.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155.0 million in lieu of $100 million. This proposed rule does not contain such a mandate; therefore, the requirements of Title II of the Unfunded Mandates Assessment Reform Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. According to the 1995 amendments to the Paperwork Reduction Act (5 CFR 1320.8(b)(2)(vi)), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid Office of Management and Budget (OMB) control number.

This action contains the following proposed amendments to the existing information collection requirements previously approved under OMB Control Number 2120–0607. As required by the Paperwork Reduction Act of 1995

[136] Submitting PDF, JPEG, BMP or similar electronic formats might be less costly because the operator would not have to transcribe records from one format to another.

(44 U.S.C. 3507(d)), the FAA has submitted these proposed information collection amendments to OMB for its review.

Summary: The FAA is proposing to require air carriers, specific operators holding out to the public, entities conducting public aircraft operations, air tour operators, fractional ownerships, and corporate flight departments to enter relevant data on individuals employed as pilots into the Pilot Records Database (PRD). The records that would be required to be entered into the PRD include those related to: Pilot training, qualification, proficiency, or professional competence of the individual, including comments and evaluations made by a check pilot; drug and alcohol testing; disciplinary action; release from employment or resignation, termination, or disqualification with respect to employment; and the verification of a search date of the National Drivers Register.

Use: The information collected in accordance with 44703(i) and maintained in the Pilot Records Database would be used by hiring air carriers to evaluate the qualification of an individual prior to making a hiring determination as a pilot in accordance with 44703(i)(1).

Paperwork Impact to Industry

Subpart A—General

§ 111.15 Application for Database Access

Registering Users—In order to get to access the PRD, users would have to go through a registration process with the FAA. The table below indicates the number of users expected to apply for access to the PRD, the estimated time it would take each user to register, the hourly rate of the persons registering and the estimated hour burden for all users to register.

INITIAL BURDEN FOR USERS TO APPLY/REGISTER FOR ACCESS TO THE PRD

Users expected to apply for access to the PRD to comply with PRD	Respondents	Hourly rate *	Time to register	Total cost to register PRD users	Hours for users to register
Responsible persons	5,033	$84.74	0.50	$213,248	2,517
Pilots	175,860	44.66	0.33	2,591,790	58,034
Authorized Individuals	10,066	84.74	0.50	426,496	5,033
Proxies	1,904	84.74	0.50	80,672	952
Total	192,863			3,312,207	66,536

* See the Regulatory Evaluation available in the docket for details on the hourly rates and costs.

Subpart B—Accessing and Evaluating Records

§ 111.240 Verification of Motor Vehicle Driving Records

Air carriers and participating operators must be able to provide supporting documentation to the Administrator upon request that a search of the NDR was conducted, and that documentation must be kept for five years. The FAA considers this burden de minimis.

Subpart C—Reporting of Records by Air Carriers and Operators

§ 111.205 General, (a) Each Air Carrier and Operator Must Report the Information Required by This Subpart for an Individual Employed as a Pilot Beginning on the PRD Date of Hire for That Individual

Each air carrier and other operator would report to the PRD all records required by this subpart for each individual employed as a pilot in the form and manner prescribed by the Administrator.

The FAA is proposing in subpart C of part 111 to require all part 119 certificate holders, 91K fractional ownership operators, persons authorized to conduct air tour operations in accordance with 14 CFR 91.147, persons operating a corporate flight department, entities conducting public aircraft operations, and trustees in bankruptcy to enter relevant data on individuals employed as pilots into the PRD. Relevant data includes: Training, qualification and proficiency records; final disciplinary action records; records concerning separation of employment; drug and alcohol testing records; and verification of motor vehicle driving record search and evaluation.

The FAA has determined that there would be no new information collection associated with the proposed requirement. However, industry would be required to report data that they already collect to the PRD. We estimate that burden here.

The rule would require that one year after publication present and future records be reported to the PRD. Present and future records are all records going forward.

As previously discussed, there would be two methods for reporting data to PRD. The first method would be to transmit data electronically using an automated utility such as XML, so it can be read by both the user and the PRD. The second method would be through direct manual data entry, using the same pre-established data field forms for each record type. The FAA estimated how many air carriers and operators would report data directly from their own electronic databases. The FAA also determined how many air carriers and operators would enter data manually to the PRD, and on how many pilots they would enter data. The following discussion summarizes the estimates of the burden and the cost of reporting records to the PRD.

Electronic Reporting of Records to the PRD

Air carriers and operators would incur a one-time burden to transfer pilot records electronically from their databases to the PRD. The burden includes the time required for air carriers and operators to develop an encoding program to transfer records from their electronic databases via an automated utility to appropriate fields within the PRD. They could also incur an annual burden to monitor, trouble-shoot and modify the transfer of data to the PRD.

Industry sources representative of small, medium and large carriers provided the number of hours along with the cost per hour to develop an encoding program. A representative fractional ownership provided an estimated total cost to develop the program. As the fractional ownership did not provide hours or hourly wage rates, the FAA estimated these for the fractional ownership. To do this we averaged the wage rates received from the other operators and divided the fractional ownership total cost by this wage rate. Further, a mid-size carrier estimated an additional annual updating cost of $1,500 for monitoring, trouble-

shooting and modifying, which we applied to mid-size carriers.

The tables below indicate the number of respondents (in other words, number of air carriers or operators), estimated hours, hourly rate and the cost of electronic reporting, for electronic reporting of present and future records, both one-time burden and annual updating burden and for electronic reporting of historical records.

ONE-TIME BURDEN OF ELECTRONIC REPORTING OF PRESENT AND FUTURE RECORDS

Operator type	Respondents	Hours	Hourly rate *	One-time cost of electronic reporting *
Small 121	51	20	$120	$122,400
Mid-size 121	13	35	75	34,125
Large 121	4	400	89	142,400
Total 121	68	455		298,925
Small 135	234	20	120	561,600
Mid-size 135	2	35	75	5,250
Total 135	236	55		566,850
Small part 125	18	20	120	43,200
Total 125	18	20		43,200
Part 91K	4	1,897	95	720,800
Total 91K	4	1,897		720,800
Small Corporate Flight Dept	1,413	20	120	3,391,200
Total Corporate Flight Dept	1,413	20		3,391,200
Total One-Time Burden	1,739	2,447		5,020,975

* Industry sources representative of small, medium and large carriers provided us with the number of hours along with the cost per hour. See the Regulatory Evaluation available in the docket for more details.

ANNUAL COST OF ELECTRONIC REPORTING PRESENT AND FUTURE RECORDS

Operator type	Respondents	Hours *	Hourly rate *	Annual cost of electronic reporting
Mid-size 121	13	20	$75	$19,500
Mid-size 135	2	20	75	3,000
Total Annual Burden	15	40		22,500

* Based on information from a mid-size carrier, the additional annual cost per mid-size respondent is $1,500 (=20 hours × $75 hourly rate). See the Regulatory Evaluation available in the docket for more details.

Manual Reporting of Present and Future Data

To estimate the burden of reporting records manually to the PRD, the FAA first estimated the amount of time that it would take to report pilot records for each of the operator types. The total amount of time per pilot per year for each operating type to manually enter the records to PRD is indicated in the table below (in row labelled ''Amount of time per pilot per year''). Included in the table is the time for each of the recording events, an estimate of the cost per event and the total cost per pilot per year. These data are used in the calculations of manual reporting costs and time burden by affected operating part.

TIME AND COST PER PILOT BY AFFECTED OPERATING PART—MANUAL REPORTING

Manual record entry activity	Hourly rate	135		121		125		Air tour		91K		PAO	
		Time in minutes	Cost	Time in minutes	Cost	Time in minutes	Cost	Time in minutes	Cost	Time in minutes	Cost	Time in minutes	Cost
Setting up current pilots in PRD for the first time.	$84.74	3	$4.24	3	$4.24	3	$4.24	3	$4.24	3	$4.24	3	$4.24
Training/checking/testing events per year.	$81.19	10.8	14.61	10.4	14.07	13.6	$18.39	4	5.41	10.8	14.61	13.6	18.39
Ground training per year	$81.19	4	5.41	4	5.41	4	5.41	0	0.00	4	5.41	4	5.41
Initial training/check (one time event for new pilots).	$81.19	0.648	0.88	0.648	0.88	0.540	0.73	0.108	0.15	0.864	1.17	0.540	0.73
Amount of time per pilot per year.	Initial	18.45		18.05		21.14		7.11		18.66		21.14	
	Recurring	15.45		15.05		18.14		4.11		15.66		18.14	

TIME AND COST PER PILOT BY AFFECTED OPERATING PART—MANUAL REPORTING—Continued

Manual record entry activity	Hourly rate	135		121		125		Air tour		91K		PAO	
		Time in minutes	Cost	Time in minutes	Cost	Time in minutes	Cost	Time in minutes	Cost	Time in minutes	Cost	Time in minutes	Cost
Total cost per pilot per year.	First Year	.....	25.14	.....	24.60	.....	28.77	.....	9.80	.....	25.43	.....	28.77
	Subsequent Years	.....	20.90	.....	20.36	.....	24.53	.....	5.56	.....	21.19	.....	24.53

*Time and cost estimates may not sum to totals due to rounding. See the Regulatory Evaluation in the docket for more details.

The FAA estimated the number of air carriers and operators (in other words, the number of respondents) who would report data manually to the PRD and the number of pilots working for them. The FAA calculates the hours required for data entry by multiplying the time it takes to enter records per pilot per year by the number of pilots. For example, to enter data manually for a part 121 pilot in year 1 it would take 18.05 minutes/60 minutes times the estimated number of pilots (271) or 82 hours.

Costs are calculated by multiplying the number of pilots by the cost per pilot per year. For example, the cost of manually entering data in year 1 for pilots working in part 121 is pilots × $24.60 or $6,667.[137] The burden to enter present and future records manually to PRD is presented for each operating type for years 1 through 3 of the information collection in the tables below.[138] These sums are later averaged over the three years.

PART 121 MANUAL ENTRY

Year	Number of respondents—part 121 air carriers	Pilots	Hours for data entry	Costs
1	8	271	82	$6,667
2	8	273	68	5,558
3	8	275	69	5,599
Total	.....	.....	219	17,824

PART 125 MANUAL ENTRY

Year	Part 125 Manual entry—Operators not approved for electronic			
	Number of respondents—part 125 operators	Pilots	Hours for data entry	Costs
1	52	528	186	$11,162
2	52	528	160	9,578
3	52	528	160	9,578
Total	.....	.....	506	30,318

PART 135 MANUAL ENTRY

Year	Part 135 Manual entry—operators not approved for electronic						
	Number of respondents—135 air carriers	Pilots	Hours for data entry	Number of respondents—135 operators	Pilots working for 135 operators	Hours for data entry	Costs
1	1,649	12,627	3,883	168	342	105	$326,041
2	1,649	12,684	3,266	168	344	89	272,285
3	1,649	12,731	3,278	168	345	89	273,288
Total	.....	.....	10,427	.....	.....	283	871,614

[137] This is the first year cost—subsequent years do not include the cost of entering or ''setting up'' pilots in the database for the first time except for new pilots (that occur on an annual basis).

[138] The FAA estimates the change in burden and cost for these amendments over three years to align with the three-year approval and renewal cycle for most information collections. The FAA based pilot estimates on internal databases and the FAA forecast.

AIR TOUR OPERATORS MANUAL ENTRY

Year	Number of respondents air tour operators	Pilots	Hours for data entry	Costs
1	1,091	3,088	366	$30,262
2	1,091	3,091	212	17,186
3	1,091	3,091	212	17,186
Total	.....	.....	790	64,634

PART 91K MANUAL ENTRY

Year	Number of respondents—91K	Pilots (1)	Hours for data entry	Costs
1	3	398	124	$10,127
2	3	399	104	8,447
3	3	399	104	8,447
Total	.....	.....	332	27,021

PUBLIC AIRCRAFT OPERATIONS MANUAL ENTRY

Year	Number of respondents—PAO	Pilots	Hours	Costs
1	323	2,821	994	$81,159
2	323	2,824	854	69,266
3	323	2,824	854	69,266
Total	.....	.....	2,702	219,691

[1] Estimates based on pilot numbers from FAA databases and FAA forecast.
[2] Number of pilots times cost per pilot per previous table. Estimates may not total due to rounding.

A summary of the burden for present and future pilot records that we expect would be manually entered to the PRD is presented in the next table. The average annual hour burden is 5,240 and the average annual cost burden is $304,961 for manual entry into the PRD of present and future records.

MANUAL ENTRY—PRESENT AND FUTURE

Type of Operations	Hours	Cost	Respondents
Part 121	219	$17,824	8
Part 135	10,710	871,614	1,817
Part 125	506	30,318	52
Air Tours	790	64,634	1,091
Part 91K	332	27,021	3
PAO	2,702	219,691	323
Total	15,259	1,231,102	3,294
Average/year	5,086	410,367	1,098

111.265 Historical Record Reporting

The rule requires that two years after publication historical records be reported to the PRD. Parts 121 and 135 air carriers would report historical records they have maintained back to August 1, 2005 through initial proposed compliance date. Parts 125 and 135 operators and 91K fractional ownerships would report historical records they have maintained back to August 1, 2010 through initial proposed compliance date. Those operators with approved electronic databases would transfer data electronically. The table below summarizes the number of respondents hours/respondent, hourly rate and the one-time cost of electronic reporting.

Electronic Data Transfer of Historical Records

ONE-TIME BURDEN OF ELECTRONIC REPORTING HISTORICAL RECORDS

Size groupings	Respondents	Hours/ respondent	Hourly rate	One-time cost of electronic reporting
Small 121	51	20	$120	$122,400
Mid-size 121	13	70	75	68,250
Large 121	4	400	89	142,400
Total part 121 (1)	68	490		333,050
Small 135	226	20	120	542,400
Mid-size 135	2	70	75	10,500
Total part 135 (1)	228	90	.....	552,900
Small part 125	18	20	120	43,200
Total part 125	18	20	.....	43,200
Part 91K	4	385	95	146,300
Total Part 91K	4	385	.....	146,300
Total Burden	318	985	.....	1,075,450

[1] Includes carriers certificated under both parts 121 and part 135.

Manual Reporting

The FAA estimated the burden to report historical records to PRD, back to August 1, 2005 for part 121 and part 135 air carriers, and back to August 1, 2010 for parts 125 and 135 operators and part 91K fractional ownerships. The FAA first estimated the number of pilots who worked for affected operators and carriers that would manually report historical records. The FAA then estimated a base cost burden to report these records by multiplying the base cost [139] (per pilot per year) by the number of pilots with historical records over the years 2005 through 2018 (that would be manually reported to PRD). Then the FAA added a supplement to represent the additional cost that would be required to report historical records, which would be more difficult to retrieve and transpose to the PRD.

The burden using the base cost for reporting historical records to the PRD is summarized in the tables below for each of the operating types that would have to report historical records for years 2005 through 2020.[140] The discussion of the supplemental cost follows the tables.

PART 121 MANUAL ENTRY HISTORICAL

Part 121 Manual Entry—Operators not approved for Electronic

Year	Number of respondents—part 121 air carriers	Part 121 pilots	Hours for data entry	Costs
2005	18	2,027	508	$41,270
2006	18	2,026	508	41,249
2007	18	2,055	515	41,840
2008	18	2,096	526	42,675
2009	18	2,064	518	42,023
2010	18	2,030	509	41,331
2011	18	2,035	510	41,433
2012	18	2,078	521	42,308
2013	18	2,139	537	43,550
2014	18	2,183	548	44,446
2015	18	2,209	554	44,975
2016	18	2,254	565	45,891
2017	18	2,281	572	46,441
2018	18	2,315	581	47,133
2019	18	2,331	585	47,459
2020	18	2,346	588	47,765
Total	.....	34,469	8,645	701,789

[139] The base cost is the cost to type the data into PRD once it has been collected.

[140] The end date depends on the publication date of the final rule. At the time of writing and for the purposes this analysis, the FAA assumed the final rule would be published in 2019. The FAA will adjust the estimates of historical records as necessary after the publication of the proposed rule and the end of the comment period.

PART 125 MANUAL ENTRY

Year	Number of respondents	Part 125 Pilots	Part 125 Hours	Costs
2005				
2006				
2007				
2008				
2009				
2010	33	363	110	$8,902
2011	33	355	107	8,709
2012	33	342	103	8,381
2013	33	317	96	7,780
2014	33	306	93	7,505
2015	33	297	90	7,285
2016	33	282	85	6,928
2017	33	288	87	7,067
2018	33	294	89	7,202
2019	33	299	90	7,338
2020	33	300	91	7,366
Total	.....	3,443	1,041	84,463

PART 135 MANUAL ENTRY

Year	Number of respondents—135 air carriers	Pilots working for part 135 Carriers	Hours for data entry	Number of respondents—135 operators	Pilots working for 135 operators	Hours for data entry	Total costs part 135
2005	1,744	17,594	4,530	168	.....	.....	$367,713
2006	1,744	17,389	4,478	168	.....	.....	363,437
2007	1,744	17,358	4,470	168	.....	.....	362,784
2008	1,744	18,196	4,685	168	.....	.....	380,291
2009	1,744	18,112	4,664	168	.....	.....	378,542
2010	1,744	17,815	4,587	168	339	87	379,423
2011	1,744	17,646	4,544	168	336	87	375,828
2012	1,744	17,554	4,520	168	334	86	373,854
2013	1,744	17,288	4,452	168	329	85	368,202
2014	1,744	17,236	4,438	168	328	84	367,087
2015	1,744	17,145	4,415	168	326	84	365,144
2016	1,744	17,016	4,382	168	324	83	362,406
2017	1,744	17,284	4,451	168	329	85	368,121
2018	1,744	17,555	4,521	168	334	86	373,889
2019	1,744	17,751	4,571	168	338	87	378,068
2020	1,744	17,845	4,595	168	340	88	380,068
Total	.....	280,786	72,303	.....	3,657	942	5,944,857

91K MANUAL ENTRY

Year	Number of respondents	Pilots	Hours	Costs
2005				
2006				
2007				
2008				
2009				
2010	5	1,823	476	$38,629
2011	5	1,781	465	37,739
2012	5	1,716	448	36,362
2013	5	1,595	416	33,798
2014	5	1,538	401	32,590
2015	5	1,491	389	31,594
2016	5	1,416	370	30,005
2017	5	1,447	378	30,662
2018	5	1,472	384	31,192
2019	5	1,498	391	31,743
2020	5	1,504	393	31,870
Total	.....	17,281	4,511	366,184

The FAA adds a supplemental burden to the base cost burden of reporting historical records, by adding an additional 30 minutes of a training and development manager and an additional 10 minutes of a human resources manager to estimated pilot records kept in 2005 and 2010. The following table summarizes the supplemental cost.

MANUAL ENTRY SUPPLEMENTAL COST FOR HISTORICAL RECORDS

	Training & development manager	Human resources manager	Total added cost
Time in hours	30	10	
Wage Rate	$81.19	$84.74	
Total Extra Cost per Pilot	$40.60	$14.12	$54.72

The following table summarizes the base hours and base cost burden for reporting historical records and the supplemental cost burden to represent the additional cost of locating and transposing historical records to the PRD. To derive supplemental hours the FAA multiplied the supplemental time burden [141] described earlier by estimated pilots with records being reported manually in 2005 and 2010. To derive supplemental costs, the FAA multiplied the additional supplemental cost per pilot by the estimated pilots with records being reported manually in 2005 and 2010.

MANUAL ENTRY—HISTORICAL BASE AND SUPPLEMENTAL BURDEN AND COSTS

	Base hours	Base cost	Supplemental hours (1)	Supplemental costs	Total hours	Total cost	Respondents
Part 121	8,645	$701,789	2,705	$55,074	11,350	$756,863	18
Part 125	1,041	84,463	242	5,936	1,283	90,399	33
Part 135 (2)	73,245	5,944,857	23,606	7,563,071	96,851	13,507,928	1,912
Part 91K	4,511	366,184	1,215	25,746	5,726	391,930	5
Total	87,442	7,097,293	27,768	7,649,827	115,210	14,747,120	1,968
Average/year (2)					57,605	$7,373,560	

§ 111.425 Discontinued Compliance With Pilot Records Improvement Act

The PRIA would be discontinued two years and 90 days after the effective date of the proposed Pilot Records Database. Accordingly, there would be a reduced paperwork burden due to the fact that pilots, carriers and operators would no longer have to complete FAA forms to request PRIA records. The table below indicates the annual number of FAA forms completed by airmen, hiring and previous employers during the hiring process. This burden would be eliminated because air carriers and pilots would no longer have to complete and mail (or fax) forms in order for air carriers to request pilot records and for pilots to allow records to be released. Hours saved are estimated by multiplying the time required to complete each form by each entity times the number of forms completed annually. Cost savings are estimated by multiplying the time required to complete the form by the wage rate for each entity completing times the number of forms completed annually. Three different entities would have to complete form 8060–12 while only two different entities would have to complete the other three forms. We expect the same entities would complete each form for one PRIA request. In other words one airman, and one hiring entity would each complete Form 8060–10, Form 8060–11, and Form 8060–11A and in addition one previous employer would complete Form 8060–12 per PRIA request. So as not to double count or under count we take the number of respondents to be the three respondents (airman, hiring entity and previous employer) completing 24,120 forms (Form 8060–12) or 3 times 24,120. If we multiplied the number of entities completing each form by the number of forms and added the results for all the forms, we would be double counting respondents, as it is likely the same person would complete all the forms. If we chose one of the forms only requiring two entities to complete to estimate number of respondents, we would be underestimating respondents.

[141] An additional 40 minutes, including 10 minutes of a human resources manager and 30 minutes of a training and development manager or .667 hours.

COST SAVINGS FOR DISCONTINUED COMPLIANCE WITH PILOT RECORDS IMPROVEMENT ACT

FAA Form	Number of forms completed annually	Airman	HRM—hiring entity	HRM—previous employer	Airman	HRM	Airman	HRM	Total	Hours	Respondents
8060-10	17,586	10	10	N/A	$44.66	$84.74	$130,898	$248,373	$379,271	5,862	17,586
8060-11	28,138	7	7	N/A			146,606	$278,178	424,784	6,565	28,138
8060-11A	28,138	10	10	N/A			209,438	397,397	606,834	9,379	28,138
8060-12	28,138	6	6	17			125,663	914,012	1,039,675	5,628	28,138
	.....	.....	.....	.....			612,605	1,837,960	2,450,565	27,434	101,999
Hours to gather records										4,397	
Total Hours including hours to gather records										31,831	

Notes: (i) Totals may not add due to rounding.
(ii) HRM = Human Resources Manager.

The table below summarizes the total paperwork burden in terms of hours, cost and respondents.

TOTAL PAPERWORK BURDEN

Total paperwork burden		Year 1		Year 2		Year 3		Total	
	Respondents	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost
§ 111.15 Application for database access one-time costs averaged per year—Annual Registration burden	69,761	14,305	$979,621	5,803	$259,162	5,803	$259,162	25,911	$1,497,945
111.205 General (a) (Reporting Present and Future Records) Electronic Data Transfer:									
Present and Future one-time costs	1,739	2,447	$5,020,975	.....	.....	.....	.....	2,447	5,020,975
Present and Future annual costs	15	40	22,500	40	22,500	40	22,500	120	67,500
Manual Data Entry:									
Present and Future annual costs	1,744	5,740	465,418	4,753	382,320	4,766	1,231,102	15,259	2,078,840
111.265 Historical Record Reporting Electronic:									
Historical one-time costs	318	985	1,075,450	.....	.....	.....	.....	985	1,075,450
Manual Data Entry:									
Historical per year	1,968	57,605	7,373,560	57,605	7,373,560	.....	.....	115,210	14,747,120
Total Burden	75,545	81,122	14,937,524	68,201	8,037,542	10,609	1,512,764	159,932	24,487,830
Total Savings—Discontinuation of PRIA	101,999	31,831	4,648,815	31,831	4,648,815	31,831	4,648,815	95,493	13,946,444
Net Burden/Costs	.....	49,291	10,288,709	36,370	3,388,727	(21,222)	(3,136,051)	64,439	10,541,386

Paperwork Impact to the Federal Government

The following table summarizes the FAA burden and cost of the PRD. The FAA uses an hourly wage rate for a grade 14 step 5 position of $80.56 to estimate costs.[142]

FAA BURDEN TO DEVELOP AND OPERATE PRD

Year	Operations and maintenance costs	Hours
1	$2,471,000	30,671
2	2,384,690	29,600
3	2,335,606	28,990
Total	7,191,296	$89,261
Average	2,397,099	$29,754

*See the Regulatory Evaluation available in the docket for details on the hourly rates and costs

The agency is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of collecting information on those who are to respond, including by using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of IT.

Individuals and organizations may send comments on the information collection requirement to the address listed in the **ADDRESSES** section at the beginning of this notice of proposed rulemaking by May 29, 2020. Comments also should be submitted to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for FAA, New

[142] 2016 locality wage adjusted for the Washington, Maryland, Virginia area, and a fringe benefit rate of 36.25%.

Executive Building, Room 10202, 725 17th Street NW, Washington, DC 20053.

F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these proposed regulations.

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action would have no effect on international regulatory cooperation.

G. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6d ''Issuance of regulatory documents (*e.g.,* Notices of Proposed Rulemaking and issuance of Final Rules) covering administration or procedural requirements (Does not include Air Traffic procedures; specific Air Traffic procedures that are categorically excluded are identified under Paragraph 5–6.5 of this Order.)'' and involves no extraordinary circumstances.

H. Privacy Analysis

The FAA conducted a privacy impact assessment (PIA) in accordance with section 208 of the E-Government Act of 2002, Public Law 107–347, 116 Stat. 2889. The FAA examined the effect the proposed rule may have on collecting, storing, and disseminating personally identifiable information (PII) for use by air carriers in making hiring decisions. A copy of the PIA is included in the docket for this rulemaking and is additionally available at *transpotation.gov/privacy.*

VII. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. The agency determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government and, therefore, does not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it is not a ''significant energy action'' under the executive order and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

This proposed rule is expected to be an E.O. 13771 regulatory action. Details on the estimated costs of this proposed rule can be found in the rule's economic analysis.

VIII. Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The agency may change this proposal in light of the comments it receives.

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to the person in the **FOR FURTHER INFORMATION CONTACT** section of this document. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Under 14 CFR 11.35(b), if the FAA is aware of proprietary information filed with a comment, the agency does not place it in the docket. It is held in a separate file to which the public does not have access, and the FAA places a note in the docket that it has received it. If the FAA receives a request to examine or copy this information, it treats it as any other request under the Freedom of Information Act (5 U.S.C. 552). The FAA processes such a request under Department of Transportation procedures found in 49 CFR part 7.

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);

2. Visiting the FAA's Regulations and Policies web page at *http://www.faa.gov/regulations_policies;* or

3. Accessing the Government Printing Office's web page at *http://www.gpo.gov/fdsys/.* Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and

technical reports, may be accessed from the internet through the Federal eRulemaking Portal referenced in item (1) above.

IX. The Proposed Amendments

List of Subjects

14 CFR Part 91

Aircraft, Airmen, Aviation safety, Commercial Operators, Flights for Compensation or Hire, Fractional Ownership, Public aircraft, Reporting and recordkeeping requirements.

14 CFR Part 111

Air carriers, Aircraft, Airmen, Air operators, Aviation safety, Public aircraft, Reporting and recordkeeping requirements.

14 CFR Part 121

Air carriers, Aircraft, Airmen, Air operators, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 125

Aircraft, Airmen, Air operators, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 135

Air carriers, Aircraft, Airmen, Air operators, Aviation safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend chapter I of Title 14, Code of Federal Regulations as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534, Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

■ 2. Amend part 91 by adding § 91.27 to read as follows:

§ 91.27 Pilot Records Database.

(a) Each person that conducts operations as a corporate flight department as defined in § 111.10 of this chapter, must comply with the requirements in part 111 of this chapter in accordance with the applicable timelines in that part.

(b) Reserved.

■ 3. Revise § 91.1051 to read as follows:

§ 91.1051 Pilot Records Database

(a) The program manager for any fractional ownership program approved in accordance with this subpart is subject to the requirements of part 111 of this chapter applicable to operators that employ pilots and must achieve compliance in accordance with the applicable timelines in that part.

(b) Reserved.

■ 4. Add Part 111 to read as follows:

PART 111—PILOT RECORDS DATABASE

Subpart A—General

Subpart B—Accessing and Evaluating Records

Subpart C—Reporting of Records by Air Carriers and Operators

Subpart D—Pilot Rights and Responsibilities

Subpart E—Compliance with Pilot Records Improvement Act (PRIA)—Transition to PRD

Authority: 49 U.S.C. 106(f), 106(g), 40101, 40113, 44701, 44703(h), 44703(i), 44711, 46105.

Subpart A—General

§ 111.1 Applicability.

(a) This part establishes the rules governing the mandatory and voluntary use of the Pilot Records Database (PRD).

(b) This part applies to the following persons:

(1) Each person that holds an air carrier or operating certificate issued in accordance with part 119 of this chapter and is authorized to conduct operations under part 121, 125, or 135 of this chapter;

(2) Each person that conducts air tour operations pursuant to a letter of authorization issued in accordance with § 91.147 of this chapter;

(3) Each person that conducts operations pursuant to a fractional ownership program authorized in accordance with subpart K of part 91 of this chapter;

(4) Each person that conducts operations as a corporate flight department, as defined in this part, pursuant to the general operating and flight rules in part 91 of this chapter;

(5) Each person that conducts public aircraft operations;

(6) The trustee in bankruptcy of any air carrier or other operator described in this paragraph;

(7) Any other person authorized by the Administrator to access the PRD;

(8) Any individual who holds an air transport or commercial pilot certificate issued under part 61 of this chapter or a remote pilot certificate under part 107 of this chapter; and,

(9) Any individual who is employed by a person that conducts public aircraft operations.

(c) This part does not apply to:

(1) Any branch of the United States Armed Forces, National Guard, or reserve component of the Armed Forces; or

(2) Any foreign air carrier or other foreign operator of U.S. registered aircraft.

§ 111.5 Compliance dates.

(a) Compliance with subpart B of this part is required by [DATE ONE YEAR AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **FEDERAL REGISTER**].

(b) Compliance with subpart C of this part is required as follows:

(1) For an air carrier or operator conducting operations on [DATE 1 YEAR AFTER PUBLICATION OF FINAL RULE IN **FEDERAL REGISTER**], compliance is required with the reporting requirements of this subpart beginning on [DATE 1 YEAR AFTER PUBLICATION OF FINAL RULE IN **FEDERAL REGISTER**]; and,

(2) For an air carrier or other operator that initiates operations after [DATE 1 YEAR AFTER PUBLICATION OF FINAL RULE IN **FEDERAL REGISTER**], compliance is required with the reporting requirements of this subpart within 90 days of the issuance of the air carrier or operator's operations specifications, unless otherwise authorized by the Administrator.

(c) Compliance with the historical records reporting requirements of § 111.420, compliance is required by March 31, 2022.

§ 111.10 Definitions.

For purposes of this part, the term—

Access the PRD means to use the credentials issued by the Administrator in accordance with § 111.20 or § 111.25 to retrieve information related to a particular individual pilot or to report to the PRD information required by this part, or for a responsible person to manage user access.

Air Carrier means any person that holds an air carrier certificate issued in accordance with part 119 of this chapter and is authorized to conduct operations under parts 121 or 135 of this chapter.

Authorized user means an individual employed by an air carrier or other operator and designated by a responsible person to access the PRD on behalf of the air carrier or other operator for purposes of reporting and evaluating the records pertaining to an individual pilot applicant.

Corporate flight department means a person that operates two or more standard airworthiness airplanes that require a type rating under § 61.31(a) of this chapter, in furtherance of, or incidental to, a business, pursuant to the general operating and flight rules in part 91 of this chapter or operates airplanes being operated under a deviation authority issued under § 125.3 of this chapter.

Date an individual begins service as a pilot means the earliest date on which a pilot serves as a flight crewmember for an air carrier or other operator required to comply with the provisions of this part.

Directly involved in the hiring decision means any individual who is responsible for making pilot hiring decisions on behalf of the employer or who is responsible for advising the decision maker on whether or not to hire an individual as a pilot.

Final disciplinary action record means a record of any corrective action taken by an employer in response to an event pertaining to pilot performance which is not subject to any pending formal or informal dispute initiated by the pilot. No disciplinary action may be considered final until 30 days after action.

Final separation from employment record means a last-in-time record of any action ending the employment relationship between a pilot and an air carrier or other operator which is not subject to any pending formal or informal dispute initiated by the pilot. The separation from employment actions include: Resignation, termination, physical (medical) disqualification, professional disqualification, furlough, extended leave, or retirement. No separation from employment may be considered final until 30 days after action.

Historical record means a record generated by the Administrator, an air carrier, or other operator in response to a request from another air carrier or operator that must be maintained by the person that generated it in accordance with the Pilot Records Improvement Act, 49 U.S.C. 44703(h)(4) and maintained in accordance with 49 U.S.C. 44703(i)(15)(C)(iii).

Individual employed as a pilot means any individual used as a pilot by an air carrier or other operator, as defined in this section, whether that individual is retained directly or on a contract basis for any form of compensation.

Operator that employs pilots or *other operator* means the following groups of persons, other than air carriers, that use one or more individuals as flight crewmember(s):

(a) Each person that holds an operating certificate issued by the FAA in accordance with part 119 of this chapter;

(b) Each person that conducts air tour operations pursuant to a letter of authorization issued in accordance with § 91.147 of this chapter;

(c) Each person that conducts operations pursuant to a fractional ownership program authorized in accordance with subpart K of part 91 of this chapter;

(d) Each person that operates a corporate flight department, pursuant to the general operating and flight rules in part 91 of this chapter;

(e) Each person that conducts operations of public aircraft; or

(f) A trustee in bankruptcy.

Participating operator means an operator that employs pilots covered by this part that voluntarily seeks to access the PRD for purposes of assessing the qualifications of a pilot candidate in accordance with subpart B of this part.

Pilot means an individual who holds a commercial pilot or airline transport pilot certificate issued under part 61; or an individual who holds a part 107 certificate with an ability to conduct UAS operations carrying people or property for compensation or hire and who is employed by an air carrier or other operator.

Pilot Records Database (PRD) or the database means the electronic system for enabling the exchange of pilot information between the FAA, air carriers, and operators, developed by the FAA pursuant to Section 203 of the Airline Safety and Federal Aviation Administration Extension Act of 2010, Public Law 111–216.

PRD Hire Date or *PRD Date of Hire* means the earliest date on which an individual is expected to begin any form of company required training or to perform any other duty for an air carrier or other employer in preparation for the individual's service as a pilot.

Proxy means a person or entity approved by the Administrator to access the PRD system electronically on behalf of an air carrier or other operator subject to the requirements of this part and designated by a responsible person for an air carrier or other operator.

Record pertaining to pilot performance means records of an activity or event specifically related to an individual's completion of the core duties and responsibilities of a pilot to maintain safe aircraft operations, as assigned by the employer and established by the FAA.

Report to the PRD means to access the PRD system electronically, and submit information in the form and manner prescribed by the Administrator pertaining to each individual employed as a pilot as required by this part.

Responsible person means an individual identified on the application required by § § 111.15 and satisfies the criteria in § 111.15(d).

Writing/Written means documented in hard paper copy or electronic format and affixed with a signature.

§ 111.15 Application for database access.

(a) Each air carrier and other operator that employs pilots must submit an application for database access to the FAA in the form and manner prescribed by the Administrator, including all information described in this section and any additional information that may be requested by the Administrator.

(b) The application required by this section must include, at a minimum, the following information as well as any additional information that may be requested by the Administrator in order to verify the identity of all individuals designated by an air carrier or other operator to access the database:

(1) The full name, job title, and valid electronic mail address of the individual authorized to submit the application in accordance with paragraph (d) of this section who will act as the responsible person.

(2) The purpose(s) for which database access is requested, including whether theapplicant seeks access to comply with subpart B or subpart C of this part, or both.

(3) All business names and the address for the principal base of operations for the air carrier or other operator.

(4) FAA air carrier or operating certificate number and pilot certificate number, as applicable.

(c)(1) The application required by this section may include a request for limited system administrator rights authorizing the responsible person identified in accordance with paragraph (b)(1) of this section to delegate his or her authority to access the database on behalf of the air carrier or other operator to authorized users and proxies of the air carrier or other operator.

(2) A proxy identified by a responsible person on an application described in paragraph (b)(1) of this section must also submit an application in a form and manner prescribed by the Administrator for approval.

(d) The application required by this section must be signed and submitted by a responsible person who meets the following minimum qualifications, or by another individual if approved by the Administrator:

(1) For part 121 air carriers, a person serving in a management position required by § 119.65(a) of this chapter.

(2) For part 125 operators, a person serving in a management position required by § 125.25(a) of this chapter.

(3) For part 135 air carriers and operators, a person serving in a management position required by § 119.69(a) of this chapter.

(4) For a part 135 air carrier or operator using only one pilot in its operations, the pilot named in the certificate holder's operation specifications.

(5) For persons conducting operations pursuant to a letter of authorization issued in accordance with § 91.147 of this chapter, an individual designated as a responsible person on the operator's letter of authorization.

(6) For persons conducting operations pursuant to subpart K of part 91 of this chapter, an authorized individual designated by the fractional ownership program manager, as defined in § 91.1001(b) of this chapter, who meets all of the following conditions:

(i) The individual must have their identity verified by the FAA in a form and manner acceptable to the Administrator; and

(ii) The individual must be employed by the operator.

(7) For any other operator required to comply with this part, or any trustee appointed in a bankruptcy proceeding, an individual authorized to sign and submit the application required by this section, must meet all of the following conditions:

(i) The individual must have their identity verified by the FAA in a form and manner acceptable to the Administrator; and

(ii) The individual must be employed by the operator.

(e)(1) Air carriers and operators must submit an amended application for database access to the FAA in the form and manner prescribed by the Administrator no later than 30 days after any change in the information included on the initial application for database access, except in the case of information pertaining to a change to the responsible person.

(2) There must be a valid responsible person approved by the Administrator at all times for continued authorized user and proxy access to the database. In the case of any change or information that would cause the current responsible person's database access to be cancelled or denied, the air carrier or operator must submit an amended application to the FAA identifying a different responsible person who is eligible for database access in accordance with this section and prior to the change in status of the current responsible person.

(f) When a request for electronic access to the database is approved by the FAA, the Administrator will issue credentials to the responsible person who submitted the application required by this section, authorizing the responsible person to:

(1) Access the database on behalf of the particular air carrier or other operator for purposes consistent with the provisions of this part; and

(2) Exercise limited database administrator rights to delegate the air carrier or other operator's authority to access the database to authorized users and proxies in accordance with § 111.20.

(g) Credentials issued based on an application submitted to the FAA in accordance with this section, as well as any authority delegated by any responsible person under paragraph (f)(2) of this section, are subject to renewal, cancellation and denial of access by the Administrator in accordance with §§ 111.20 and 111.25.

(h) An air carrier or other operator that initiates operations after [DATE 90 DAYS AFTER PUBLICATION OF FINAL RULE IN **FEDERAL REGISTER**] must submit the application required by this section to the FAA at least 90 days before the air carrier or other operator initiates aircraft operations.

§ 111.20 Database access by authorized users and proxies.

(a)(1) If approved in accordance with § 111.15, the responsible person for an air carrier or other operator required to access the database in accordance with this part may delegate to employees of the air carrier or operator, or to a proxy approved in accordance with § 111.15, the authority to access the database on its behalf for purposes of complying with the requirements of subparts B or C of this part.

(2) The air carrier or other operator must establish procedures to ensure an authorized user or proxy approved by the Administrator understands and complies with § 111.135 and the terms applicable to database access in paragraph (b) of this section and the privileges and limitations of this part.

(b) Access to the database by authorized users and proxies on behalf of the air carrier or other operator is subject to the privileges and limitations applicable to air carriers and operators in this part as well as the following terms and any additional terms that may be established by the Administrator:

(1) Any authorized user or proxy delegated authority to access the database on behalf of an air carrier or other operator in order to comply with the evaluation requirements of subpart B of this part, may only use the database registration issued by the Administrator to access information in the database to inform a hiring decision concerning a pilot applicant.

(2) Any authorized user or proxy delegated authority to access the database on behalf of an air carrier or other operator in order to comply with

the reporting requirements of subpart C of this part, may only use the database registration issued by the Administrator to access the PRD for purposes of reporting information to the database on behalf of the air carrier or other operator.

(3) Proxies must provide assurances to the air carrier or other operator that the information obtained using such access will not be used for any purpose other than collecting the information for evaluation by the air carrier or other operator for purposes of making the hiring decision and will be subject to inspection upon request of the Administrator.

(c) Access to the database by authorized users and proxies may be subject to the valid access of the responsible person.

(1) In the case of cancellation of a responsible person's database access, the database access of authorized users and proxies will remain valid if the air carrier or other operator submits a new application for database access indicating a new responsible person prior to cancellation of the prior responsible person and obtains approval of that application.

(2) In the case of denial of a responsible person's database access, the database access of authorized persons and proxies may also be denied.

§ 111.25 Duration, cancellation, and denial of access.

(a) Duration. Database registration is valid for an amount of time determined by the Administrator unless cancelled or denied and includes both a user identification and a PRD identification.

(b) Renewal. The Administrator may require the renewal of credentials issued to any person or individual user at recurring intervals and as necessary to protect the security and integrity of the database.

(c) Cancellation. The Administrator may cancel any database registration that remains inactive for an amount of time determined by the Administrator, or if the person or individual user holding the registration no longer satisfies the eligibility criteria prescribed by this part.

(d) Denial of access.

(1) The Administrator may deny database access to any person or individual user for failure to comply with any of the duties and responsibilities prescribed by this part, including but not limited to:

(i) Accessing an individual's information in the database without first obtaining the written consent of that individual;

(ii) Reporting false or fraudulent information to the database;

(iii) Misusing or misappropriating user rights or protected information from the database; or

(iv) As necessary to preserve the security and integrity of the database.

(2) The Administrator may deny access to the database registration of any air carrier or other operator employing a pilot if the operating certificate or other authority to operate is revoked by the FAA.

(3) If database access is denied to any person or individual user under (d)(1) of this section, that person or individual user may submit a request for reconsideration in a form and a manner prescribed by the Administrator. Database access will not be permitted pending reconsideration.

(e) When access has been cancelled or denied for any person or individual user, that person or individual user must reapply for access, as applicable, in accordance with § 111.15.

§ 111.30 Unauthorized access or use prohibited.

(a) No person may access the database for any purpose except as expressly authorized by this part.

(b) No person may share, distribute, publish, or otherwise release any information accessed in the database to any person or individual who is not directly involved in the hiring decision, unless specifically authorized by law.

(c) No requirement in this section or this part prohibits the Administrator from accessing and using information maintained in the database for purposes consistent with the oversight authority of the FAA.

§ 111.35 Fraud and falsification.

No person may make, or cause to be made, any of the following:

(a) A fraudulent or intentionally false statement in, or a known omission from, any application or any amendment thereto, or in any other record or test result reported to the Pilot Records Database in accordance with the requirements of this part.

(b) A fraudulent or intentionally false statement in, or a known omission from, any record or report that is kept, made, or used to show compliance with this part, or to exercise any privileges under this chapter.

§ 111.40 Fee.

(a) The fee for processing each request made by an air carrier, other operator or participating operator, or their designated proxies, made in accordance with subpart B of this part for an individual pilot's records maintained in the PRD is established using the following methodology and published by the Administrator:

(1) User Fee per Request: (F). Equals

(2) Annual Cost of Operation and Maintenance of the PRD: (C). Divided by

(3) Annual Requests through the PRD: (R).

$$F = \frac{C}{R}$$

(b) The fee required in paragraph (a) of this section must be paid to the FAA in a form and manner prescribed by the Administrator.

(c) The fee will be imposed per pilot record accessed in the PRD.

(d) An individual pilot will not be charged a fee for accessing his/her record in the PRD.

(e) An air carrier or other employer will not be charged a fee for reporting records to the PRD.

§ 111.45 Freedom of Information Act (FOIA) Requests.

(a) Except as provided in paragraph (b) of this section, information reported to the PRD in accordance with the provisions of this part is exempt from the disclosure requirements of 5 U.S.C. 552(b)(3)(B).

(b) Information reported to the PRD in accordance with the provisions of this part is subject to disclosure as follows:

(1) De-identified, summarized information may be disclosed to explain the need for changes in policies and regulations;

(2) Information may be disclosed to correct a condition that compromises safety;

(3) Information may be disclosed to carry out a criminal investigation or prosecution;

(4) Information may be disclosed to comply with 49 U.S.C. 44905, regarding information about threats to civil aviation; and

(5) Such information as the Administrator determines necessary may be disclosed if withholding the information would not be consistent with the safety responsibilities of the FAA.

§ 111.50 Record Retention in the PRD.

(a) All information pertaining to an individual pilot that is reported for inclusion in the database in accordance with this part will be maintained in the database until one of the following occurs:

(1) The FAA receives official notification of an individual pilot's death, in accordance with paragraph (b) of this section, from the pilot's next of kin; or

(2) An FAA audit of the database indicates that 99 years have passed since the date of birth on record for the individual.

(b) Any notification submitted to the FAA in accordance with paragraph (a)(1) of this section must include the following:

(1) The full name of the pilot as it appears on his or her pilot certificate;

(2) The pilot's FAA-issued certificate number; and

(3) A certified copy of the individual's certificate of death.

Subpart B—Accessing and Evaluating Records

§ 111.100 Applicability.

(a) The requirements of this subpart are mandatory for any person that:

(1) Holds an air carrier or operating certificate issued by the FAA in accordance with part 119 of this chapter and is authorized to conduct operations under part 121, 125, or part 135 of this chapter;

(2) Has been issued management specifications to operate in accordance with part 91 subpart K of this chapter; or

(3) Has been issued a letter of authorization to conduct air tour operations in accordance with § 91.147 of this chapter.

(b) Operators that employ pilots and are subject to the reporting requirements in subpart C of this part, may also include in the application for access to the database under § 111.15 a request to opt in to the requirements of this subpart to assess the qualifications of an individual in determining whether to hire the individual as a pilot, provided:

(1) The application for access to the database for purposes of evaluating any information maintained in the database is submitted for approval to the FAA in the form and manner prescribed by the Administrator;

(2) Any other operator that requests access to the database in accordance with this paragraph may be required to submit a new application or amendment thereto, along with any additional information that may be requested by the Administrator;

(3) Any participating operator that is authorized by the Administrator to access the database in accordance with this paragraph must comply with § 111.40 and the requirements of this subpart, with the exception of 111.110, and unless otherwise specified.

§ 111.105 Evaluation of pilot records and limitations on use.

(a) No air carrier or participating operator may permit an individual to begin service as a pilot, unless the person has evaluated all relevant information pertaining to that individual in the course of deciding whether to hire the individual to work as a pilot, including:

(1) All information pertaining to the individual maintained in the PRD;

(2) All information pertaining to the individual obtained from the chief driver licensing official of each state in accordance with § 111.110, if required; and

(3) Records related to the individual that are maintained by another air carrier or other operator in accordance with the provisions of 49 U.S.C. 44703(h) and subpart E of this part, until such time as those provisions expire.

(b) No person may access the database for purposes of retrieving the information maintained in the database pertaining to an individual, unless the individual has provided his or her consent in accordance with § 111.120.

(c) No person required to access the database for purposes of evaluating the information maintained in the database regarding an individual may allow any individual to access the database on its behalf except as provided in § 111.20.

(d) Except as provided in subpart D, no person may use any information pertaining to an individual that is retrieved from the database for any purpose except to assess whether or not to employ that individual as a pilot.

(e) Paragraph (a)(3) of this section will expire on [DATE 2 YEARS AND 90 DAYS AFTER PUBLICATION OF FINAL RULE IN **FEDERAL REGISTER**].

§ 111.110 Motor vehicle driving record request.

(a) No air carrier or participating operator may permit an individual to begin service as a pilot, unless the air carrier or participating operator has requested and evaluated all relevant information from the chief driver licensing official of each State, identified through a National Driver Register (NDR) search concerning the individual's motor vehicle driving history in accordance with the following process:

(1) For each individual the air carrier or participating operator is considering employing as a pilot, the air carrier must obtain the written consent of the individual before requesting an NDR search for the individual's State motor vehicle driving records;

(2) After obtaining the written consent of the individual, the air carrier or participating operator must submit a request to the NDR to determine whether any State maintains relevant records pertaining to the individual; and

(3) When the NDR search result is returned—

(i) If the NDR search result indicates a participating State, as defined in 49 U.S.C. 30301, maintains records concerning the individual, the air carrier must submit a request for the relevant motor vehicle driving records to the chief driver licensing official of each State identified in the NDR search result; or

(ii) If the NDR search result does not identify any participating State maintaining relevant motor vehicle driving record data concerning the individual, then the air carrier's obligation under this paragraph is complete.

(b) The air carrier or participating operator must report to the PRD, in the form and manner prescribed by the Administrator, verification that consent was received from the individual to conduct the NDR record search required in paragraph (a) of this section.

(c) Verification that compliance with the requirements of this section has been accomplished must be reported to the PRD in accordance with § 111.240.

(d) The air carrier or participating operator must provide to the Administrator, upon request, documentation to establish that the air carrier or participating operator has conducted the search required by paragraph (a) of this section. The air carrier or participating operator documentation must retain this documentation for five years.

§ 111.115 Good faith exception.

(a) Notwithstanding the provisions of § 111.105, an air carrier or participating operator may allow an individual to begin service as a pilot, without first evaluating all records pertaining to the individual's previous employment as a pilot, only if—

(1) The air carrier has made a documented good faith attempt to access the information maintained in the PRD; and

(2) The air carrier has received notice from the Administrator that certain information pertaining to an individual's employment history as a pilot is not contained in the PRD.

§ 111.120 Pilot consent and right of review.

(a) No person may access the PRD for purposes of evaluating the records pertaining to any individual in the course of deciding whether to hire the individual to work as a pilot, unless prior to the date of access, the person has been notified by the Administrator

that the individual whose records the person seeks to access in the database has provided written consent authorizing the release of his or her information maintained in the database to that person.

(b) Except as provided in § 111.110, the individual consent required in paragraph (a) of this section must be reported to the database by the individual in accordance with § 111.310 in a form and manner prescribed by the Administrator.

(c) Any individual that submits a written consent to an air carrier or other operator in accordance with § 111.310(b) is entitled to request a copy of any State motor vehicle driving records obtained by the prospective employer in accordance with § 111.110. The prospective employer must provide a response to the individual with copies of any State motor vehicle driving records obtained within 30 days.

§ 111.125 Release from liability.

(a) Except as provided in paragraph (b) of this section and notwithstanding any other provision of law or agreement to the contrary, an air carrier or participating operator may require an individual, with respect to whom the air carrier must access records in the database pursuant to this part, to execute a release from liability for any claim arising from:

(1) Accessing the individual's records in the database; or

(2) The use of such records by the air carrier in accordance with the requirements of this part.

(b) No air carrier may require any individual with respect to whom the carrier is accessing records in the PRD to execute a release from liability for any claim arising from furnishing information known to be false and maintained in violation of a criminal statute.

§ 111.130 Refusal to hire.

(a) In addition to reasons related to a pilot applicant's qualifications, an air carrier or participating operator may refuse to hire an individual as a pilot if:

(1) The individual did not provide written consent required in §§ 111.110 and 111.120 of this chapter, in the form and manner prescribed by the Administrator, for the air carrier to receive records from the PRD or from the chief driver licensing official of any state; or

(2) The individual did not execute the release from liability that may be requested by the air carrier in accordance with § 111.125.

(b) No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual pursuant to paragraph (a) of this section.

§ 111.135 Duty to maintain privacy and confidentiality of pilot records.

Each person authorized to access the database for purposes of retrieving information pertaining to an individual pilot candidate must take action to protect the privacy of any individual whose records are accessed in the database and adequately secure in a normal course of business the confidentiality of such records retrieved from the database.

§ 111.140 FAA Records.

No air carrier or participating operator may permit an individual to begin service as a flight crewmember unless the air carrier or operator's responsible person has accessed and evaluated all relevant information pertaining to the following FAA records included in the PRD:

(a) Records related to current pilot and medical certificate information, including associated type ratings and information on any limitations to those certificates and ratings.

(b) Records maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations.

(c) Records related to enforcement actions resulting in a finding by the Administrator of a violation of Title 49 of the United States Code or a regulation prescribed or order issued under that title that was not subsequently overturned.

(d) Records related to an individual acting as pilot in command or second in command during an aviation accident or incident.

(e) Records related to pre-employment and other Department of Transportation modal Administration drug and alcohol testing including:

1. Verified positive drug tests;

2. Alcohol tests resulting in a confirmed breath alcohol concentration of 0.04 or greater; and

3. Refusals to submit to drug or alcohol tests.

Subpart C—Reporting of Records by Air Carriers and Operators

§ 111.200 Applicability.

This subpart prescribes the requirements for reporting records on individuals employed as pilots and applies to the following persons:

(a) Each person that holds an air carrier or operating certificate issued in accordance with part 119 of this chapter and is authorized to conduct operations under part 121, 125, or 135 of this chapter;

(b) Each person that conducts air tour operations pursuant to a letter of authorization issued in accordance with § 91.147 of this chapter;

(c) Each person that conducts operations pursuant to a fractional ownership program authorized in accordance with subpart K of part 91 of this chapter;

(d) Each person that conducts operations with a corporate flight department, as defined in this part, pursuant to the general operating and flight rules in part 91 of this chapter;

(e) Each person that conducts operations of public aircraft; and

(f) The trustee in bankruptcy of an air carrier or operator described in this paragraph.

§ 111.205 General.

(a) Each air carrier and operator must report the information required by this subpart for an individual employed as a pilot beginning on the PRD date of hire for that individual.

(b) Each air carrier and operator must report the following information for each individual employed as a pilot:

(1) All relevant records described in §§ 111.215 through 111.240 generated by the air carrier or other operator on or after [DATE 1 YEAR AFTER PUBLICATION OF FINAL RULE IN THE **FEDERAL REGISTER**]; and

(2) The historical records addressed in § 111.265.

(c) No person may enter, or cause to be entered, into the database any information covered in § 111.245.

§ 111.210 Format for reporting information.

Each air carrier and other operator must report to the database all records required by this subpart for each individual employed as a pilot in the form and manner prescribed by the Administrator.

§ 111.215 Drug and alcohol testing records.

(a) Each air carrier and other operator required to comply with part 120 of this chapter must report to the database the following records concerning drug and alcohol testing for each individual pilot employed by that air carrier or other operator in the form and manner prescribed by the Administrator:

(1) Records concerning drug testing, including—

(i) Any drug test result verified positive, adulterated, substituted, or

otherwise non-negative by a Medical Review Officer, which must be retained by the Medical Review Officer and employer in accordance with § 120.111(a)(1) of this chapter;

(ii) Any refusal to submit to drug testing, which must be retained by the employer in accordance with 49 CFR 40.333(a)(1)(iii); and

(iii) All follow-up drug test results, verified by a Medical Review Officer, which must be retained by the Medical Review Officer and employer in accordance with 49 CFR 40.333(a)(1)(v).

(2) Records concerning alcohol testing, including—

(i) A test result with a confirmed breath alcohol concentration of 0.04 or greater, which must be retained by the employer in accordance with § 120.219(a)(2)(i)(B) of this chapter;

(ii) Any result pertaining to an occurrence of on-duty alcohol use, pre-duty alcohol use, or alcohol use following an accident, which must be retained by the employer in accordance with § 120.219 (a)(2)(i)(B) of this chapter;

(iii) Any refusal to submit to alcohol testing, which must be retained by the employer in accordance with 49 CFR 40.333(a)(1)(iii); and

(iv) All follow-up alcohol test results, which must be retained by the employer in accordance with 49 CFR 40.333(a)(1)(v).

(b) Each drug or alcohol test result that must be reported to the database in accordance with paragraph (a) of this section must include the following information in the form and manner prescribed by the Administrator:

(1) The type of test administered;

(2) The date the test was administered; and

(3) The result of the test.

§ 111.220 Training, qualification and proficiency records.

(a) Each air carrier and other operator must report to the PRD in a form and manneracceptable to the Administrator, the following records for each individual employed as a pilot:

(1) Records documenting an individual's compliance with FAA-required training, qualifications, and proficiency events, which are kept pursuant to §§ 91.1027(a)(3), 121.683, 125.401 or 135.63(a)(4) of this chapter, as applicable, including any comments and evaluations made by a check pilot; and

(2) Other records the air carrier maintains documenting an individual's compliance with FAA or employer-required training, checking, testing, currency, proficiency, or other events related to pilot performance concerning the training, qualifications, proficiency, or professional competence of the individual, including any comments and evaluations made by a check pilot.

(b) No person may report any of the following information for inclusion in the database:

(1) Records related to flight time, duty time and rest time.

(2) Records demonstrating compliance with physical examinations or any other protected medical records.

(3) Records documenting aeronautical experience.

(4) Records identified in § 111.245.

(c) Each record reported to the PRD in accordance with paragraph (a) of this section must include all of the following information in the form and manner prescribed by the Administrator:

(1) Date of the event;

(2) Aircraft type;

(3) Duty position of the pilot;

(4) Training program approval part and subpart of this title, as applicable;

(5) Crewmember training/qualification curriculum and category as reflected in either a FAA-approved or employer-mandated training program;

(6) Result of the event (satisfactory or unsatisfactory, and, if unsatisfactory, a brief comment explaining the basis for the unsatisfactory result); and

(7) Comments of check pilot, if applicable under subpart K of part 91, part 121, part 125, or part 135 of this chapter.

§ 111.225 Final disciplinary action records.

(a) Except as provided in paragraph (b) of this section, each air carrier and other operator must report to the database, in a form and manner acceptable to the Administrator, any final disciplinary action record pertaining to pilot performance with respect to an individual employed as a pilot.

(b) No person may report to the database any record of disciplinary action that was subsequently overturned as a result of any one of the following:

(1) A settlement agreement between the employer and the pilot or the pilot's representative;

(2) The official decision or order of any panel or individual given authority to review employment disputes, or by any court of law; or

(3) Other mutual agreement of the employer and the pilot.

(c) Whenever an air carrier or other operator receives notice that any disciplinary action record, which has been reported to the database under paragraph (a) of this section, was overturned, the air carrier or other operator must request a correction to the pilot's PRD record in accordance with § 111.255.

(d) Each final disciplinary action record that must be reported to the database in accordance with paragraph (a) of this section must include the following information in the form and manner prescribed by the Administrator:

(1) The type of disciplinary action taken by the employer, including written warning, suspension, or termination;

(2) The date the corrective action occurred; and

(3) A brief summary of the event resulting in corrective action.

§ 111.230 Records concerning separation of employment.

(a) Except as provided in paragraph (b) of this section, each air carrier and other operator must report to the PRD, in a form and manner acceptable to the Administrator, the following records for each individual employed as a pilot:

(1) Records concerning release from employment kept pursuant to §§ 91.1027(a)(3), 121.683, 125.401 or 135.63(a)(4) of this chapter; and

(2) Records pertaining to pilot performance kept concerning a release from employment or resignation, termination or professional disqualification with respect to employment for each pilot that it employs.

(b) No person may report to the database any record regarding separation from employment that has been overturned as a result of any one of the following:

(1) A settlement agreement between the employer and the pilot;

(2) The official decision or order of any panel or individual given authority to review employment disputes, or by any court of law; or

(3) Other mutual agreement of the employer and the pilot.

(c) Whenever an air carrier or other operator receives notice that any separation from employment record, which has been reported to the database under paragraph (a) of this section, was overturned, the air carrier or other operator must request a correction to the pilot's PRD record in accordance with § 111.255.

(d) Each separation from employment action record that must be reported to the database in accordance with paragraph (a) of this section must include the following information in the form and manner prescribed by the Administrator:

(4) The type of separation from employment, which could include: resignation, termination, physical (medical) disqualification, professional disqualification, furlough, extended leave, or retirement;

(5) The date of separation from employment; and

(6) For termination or professional disqualification, a brief summary of the event resulting in separation from employment.

§ 111.240 Verification of motor vehicle driving record search and evaluation.

(a) Each air carrier or participating operator subject to the requirements of subpart B of this part must report to the PRD, in a form and manner acceptable to the Administrator, verification that the requirements in § 111.110 have been met.

(b) No person may report any substantive information from the state driving records pertaining to any individual obtained in accordance with § 111.110 for inclusion in the PRD.

§ 111.245 Special rules for protected records.

No person may report any pilot record for inclusion in the PRD that pertains to a safety event, that was reported by any individual as part of an Aviation Safety Action Program (ASAP) or any other approved Voluntary Safety Reporting Program for which the FAA has designated reported information as protected in accordance with part 193 of this chapter.

§ 111.250 Duty to report records promptly.

(a) Except as provided in § 111.260 and subpart E for reporting historical records to the PRD, all records created on or after [DATE 1 YEAR AFTER PUBLICATION OF FINAL RULE IN **FEDERAL REGISTER**] and required to be reported to the database under this subpart must be reported to the PRD promptly.

(b) For purposes of this section, a record will be considered as having been reported promptly if the record is submitted to the FAA within the following timeframe for the type of record submitted—

(1) PRD Hire Date. Within 30 days of the PRD Hire Date.

(2) Date Individual Begins Service as a Pilot. Within 30 days of beginning service.

(3) Training, Qualification and Proficiency Records. Within 30 days of record creation.

(4) Drug and Alcohol Testing. Notwithstanding the requirements of §§ 120.113(d)(3) and 120.221(c), within 30 days of the following, as applicable:

(i) The date a drug test result is verified by the Medical Review Officer;

(ii) The date an alcohol test result is confirmed by the Breath Alcohol Technician; or

(iii) The date of the refusal to submit to testing.

(5) Disciplinary Actions.

(i) Each air carrier and other operator must report records of final disciplinary actions no later than 30 days after the disciplinary action is considered final under § 111.225.

(ii) If any final disciplinary action is overturned after the information has been reported to the PRD, the air carrier or other operator must submit a request for correction in accordance with § 111.255 within 10 days after the disciplinary action is overturned.

(6) Release from Employment.

(i) Each air carrier and other operator must report any release from employment or resignation, termination, or disqualification with respect to employment of an individual no later than 30 days after the date of release from employment.

(ii) If any decision regarding release from employment is overturned after the information has been reported to the PRD, the air carrier or other operator must submit a request for correction in accordance with § 111.255 within 10 days after the decision to reinstate the pilot.

(7) Verification of Motor Vehicle Driving Record Search and Evaluation. Within 45 days of PRD Date of Hire.

(8) Other Records Pertaining to Pilot Performance. Within 30 days of record creation.

§ 111.255 Requests for correction of reported information.

(a) An air carrier or other operator that discovers an error or inaccuracy in information previously reported to the PRD must submit a request for correction in a form and manner acceptable to the Administrator.

(b) Requests for correction must be submitted to the database within 30 days of discovering the error or inaccurate information.

§ 111.260 Direct disputes.

(a) Each air carrier or other operator that employs pilots must have a documented process for resolving disputes with respect to information documented in the PRD.

(b) Each air carrier and other operator that employs pilots must respond in a reasonable amount of time to any dispute made by an individual which it has employed as a pilot with respect to information documented in the PRD.

(c) Each air carrier and other operator must conduct a reasonable investigation of any dispute made by an individual pilot in accordance with paragraph (a) of this section and § 111.320.

(d) The resolution of any dispute made by an individual pilot in accordance with paragraph (a) of this section and § 111.320 must be documented in the PRD by the air carrier or other operator.

§ 111.265 Historical record reporting.

(a) Except as provided in paragraph (b) of this section, each person subject to the provisions of this subpart must comply with the requirements in subpart E of this part regarding continued compliance with PRIA and reporting of historical records to the PRD.

(b) Persons conducting operations of a corporate aircraft fleet pursuant to the general operating and flight rules in part 91 of this chapter are not required to comply with this section or subpart E of this part.

§ 111.270 Reporting by trustee in bankruptcy.

(a) If any air carrier or other operator subject to the requirements of this part files a petition for protection under the Federal bankruptcy laws, the trustee appointed by the bankruptcy court must comply with all reporting requirements of subpart C and subpart E of this part applicable to the air carrier or other operator.

(b) The air carrier or other operator may delegate its authority to the trustee appointed by the bankruptcy court to access the database on its behalf in accordance with § 111.20 or the trustee may submit an application to the FAA requesting access to the database consistent with the requirements of § 111.15.

Subpart D—Pilot Access and Responsibilities

§ 111.300 Applicability.

This subpart applies to:

(a) Any individual who holds an airline transport or commercial pilot certificate under part 61 of this chapter or a remote pilot certificate under part 107 of this chapter; or

(b) Any individual who is employed as a pilot by an operator of a public aircraft.

§ 111.305 Application for database access.

(a) Any pilot may request electronic access to the PRD by submitting an application to the FAA in the form and manner acceptable to the Administrator for one or more of the following purposes:

(1) To review and obtain a copy of his or her own comprehensive PRD record;

(2) To give consent to a particular air carrier or participating operator to access his or her comprehensive PRD record; or

(3) To exercise any other privileges provided by this part.

(b) The application required in paragraph (a) of this section must include, at a minimum, the following information as well as any additional information that may be requested by the Administrator in order to verify the identity of the pilot requesting access to the database:

(1) The pilot's full name as it appears on his or her pilot certificate;

(2) The pilot's FAA-issued certificate number;

(3) A current U.S. mailing address and telephone number; and

(4) A valid electronic mail address.

(c) The application required in paragraph (a) of this section must be submitted at least 7 days before the pilot seeks to access the PRD for any authorized purpose.

(d) Credentials issued by the FAA to any pilot based on application submitted in accordance with this section are subject to renewal, cancellation, and denial of access by the Administrator in accordance with § 111.25.

§ 111.310 Written consent.

(a) Before any air carrier or participating operator may access an individual's records in the PRD for purposes of retrieving information for compliance with subpart B of this part, the individual must apply for access to the PRD in accordance with § 111.305 and provide written consent to the FAA, in the form and manner acceptable to the Administrator, that authorizes the Administrator to release his or her records maintained in the database to the particular air carrier or participating operator.

(b) Before any air carrier or participating operator may submit a request to the NDR for an individual's motor vehicle driving record for purposes of compliance with § 111.110, the individual must provide written consent to the air carrier or participating operator in the form and manner acceptable to the Administrator.

§ 111.315 Pilot right of review.

(a) Once a pilot has been issued credentials by the FAA to access the PRD based on an approved application submitted to the FAA in accordance with § 111.305, the pilot may access the database at any time to review all records pertaining to him or her that have been reported to the PRD (including airman certification information reported by the Administrator) and to submit the written consent required in accordance with § 111.310(a).

(b) Any pilot who submits written consent to an air carrier or other operator in accordance with § 111.310(b) may request a copy of any State motor vehicle driving records obtained by the prospective employer in accordance with § 111.110. The prospective employer must provide a response within 30 days of receiving the pilot's request.

§ 111.320 Reporting errors and requesting corrections.

(a) Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual must provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

(b) Any pilot who identifies an error or inaccuracy in his or her records maintained in the PRD must submit a notice and request for correction to the person that reported the erroneous information to the PRD. If the information disputed was reported by an air carrier or other operator, the dispute must be made with that person in accordance with the person's established policies and procedures required in accordance with § 111.255.

(c) Any pilot who identifies an error or inaccuracy in his or her FAA data in the database must report the error or inaccuracy to the FAA in the form and manner acceptable to the Administrator consistent with the requirements of the Privacy Act.

(d) If a pilot believes a particular record reported to the PRD by any person that has employed the individual or reported by the Administrator is erroneous or inaccurate, the pilot may request, in the form and manner acceptable to the Administrator, that the Administrator enter a notation into the individual's PRD record indicating that certain information pertaining to the individual in the database has been disputed by the pilot.

Subpart E—Compliance With PRIA—Transition to PRD

§ 111.400 Applicability.

(a) This subpart addresses the continuing obligations of air carriers and other operators subject to the requirements of PRIA, and identified in paragraph (b) of this section, until full compliance has been achieved with subparts A through C of this part by each air carrier and other operator.

(b) Except as provided in paragraph (c) of this section, this subpart applies to the following persons:

(1) Each certificate holder authorized to conduct operations under part 121 of this chapter;

(2) Each certificate holder authorized to conduct operations under part 135 of this chapter;

(3) Each certificate holder authorized to conduct operations under part 125 of this chapter;

(4) Each person that conducts air tour operations pursuant to a letter of authorization issued in accordance with § 91.147 of this chapter;

(5) Each person that conducts operations pursuant to a fractional ownership program approved in accordance with subpart K of part 91 of this chapter;

(6) Each person that conducts public aircraft operations; and

(7) The trustee in bankruptcy of any air carrier or other operator described in this paragraph.

(c) This subpart does not apply to any new entrant air carrier or other operator that initiates aircraft operations on or after [DATE 2 YEARS AND 90 DAYS AFTER PUBLICATION OF FINAL RULE IN **FEDERAL REGISTER**].

§ 111.405 Continued compliance with PRIA required.

Until [DATE 2 YEARS AND 90 DAYS AFTER PUBLICATION OF FINAL RULE IN **FEDERAL REGISTER**], each air carrier or other operator described in § 111.400(b) must continue to make a good faith effort to comply with all applicable requirements of PRIA at 49 U.S.C. 44703(h).

§ 111.410 Duty to request and evaluate records.

(a) Until [DATE 2 YEARS AND 90 DAYS AFTER PUBLICATION OF FINAL RULE IN **FEDERAL REGISTER**], each air carrier must make a good faith effort to request and receive records in accordance with the requirements of PRIA at 49 U.S.C. 44703(h) if the historical records pertaining to the pilot's previous employment with an entity are not available in the PRD.

(b) Once the records have been obtained in accordance with paragraph (a) of this section, the air carrier or other operator must evaluate the records before allowing any individual to begin service as a pilot.

§ 111.415 Duty to furnish records.

Until [DATE 2 YEARS AND 90 DAYS AFTER PUBLICATION OF FINAL RULE IN **FEDERAL REGISTER**], at the request of a hiring air carrier and with the prior written consent of the pilot applicant, each air carrier and other operator must furnish to the hiring air carrier any records maintained in accordance with PRIA under 49 U.S.C. 44703(h), which have not been reported to the PRD pursuant to § 111.265.

§ 111.420 Duty to report historical records to PRD.

(a) Air carriers must report to the PRD all historical records kept in accordance with 49 U.S.C. 44703(h)(4), dating from August 1, 2005, up to [DATE 1 YEAR AFTER PUBLICATION OF FINAL RULE IN **FEDERAL REGISTER**] in the form and manner prescribed by the Administrator.

(b) Operators employing pilots, except as provided in paragraph (c) of this section, must report to the PRD all historical records kept in accordance with 49 U.S.C. 44703(h)(4), dating from August 1, 2010 up to [DATE 1 YEAR AFTER PUBLICATION OF FINAL RULE IN **FEDERAL REGISTER**] in the form and manner prescribed by the Administrator.

(c) Persons conducting operations pursuant to the general operating and flight rules in part 91 of this chapter are not required to comply with this section.

(d) All historical records required to be reported to the PRD in accordance with paragraphs (a) and (b) of this section must be reported to the PRD no later than [DATE 2 YEARS AFTER PUBLICATION OF FINAL RULE IN **FEDERAL REGISTER**].

(e) All historical records required to be reported to the FAA for inclusion in the PRD in accordance with paragraph (a) and (b) of this section must be maintained by the air carrier or other operator for at least five years after the records have been reported to the PRD, notwithstanding other applicable rules or regulations pertaining to retention of such records.

§ 111.425 Discontinued compliance with PRIA.

Beginning on [DATE 2 YEARS AND 90 DAYS AFTER PUBLICATION OF FINAL RULE IN **FEDERAL REGISTER**], air carriers or other operators employing pilots may no longer comply with the provisions of 49 U.S.C. 44703(h). Exclusive compliance with Subparts A–D of Part 111 is required.

§ 111.430 Expiration of subpart.

This subpart sunsets on [DATE 7 YEARS AND 90 DAYS AFTER PUBLICATION OF FINAL RULE IN **FEDERAL REGISTER**].

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

■ 5. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40119, 41706, 42301 preceding note added by Pub. L. 112–95, sec. 412, 126 Stat. 89, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44729, 44732; 46105; Pub. L. 111–216, 124 Stat. 2348 (49 U.S.C. 44701 note); Pub. L. 112–95 126 Stat 62 (49 U.S.C. 44732 note).

■ 6. Amend § 121.683 by adding new paragraph (d) to read as follows:

§ 121.683 Crewmember and dispatcher record.

* * * * *

(d) Each certificate holder authorized to conduct operations in accordance with this part is subject to the Pilot Records Database requirements applicable to air carriers in part 111 of this chapter and must achieve compliance in accordance with the applicable timelines in that part.

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE; AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 7. The authority citation for part 125 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44702, 44705, 44710–44711, 44713, 44716–44717, 44722.

■ 8. Amend § 125.401 by adding new paragraph (d) to read as follows:

§ 125.401 Crewmember record.

* * * * *

(d) Each certificate holder authorized to conduct operations in accordance with this part is subject to the Pilot Records Database requirements applicable to operators that employ pilots in part 111 of this chapter and must achieve compliance in accordance with the applicable timelines in that part.

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 9. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113,41706, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722, 44730, 45101–45105; Pub. L. 112–95, 126 Stat. 58 (49 U.S.C. 44730).

■ 10. Amend § 135.63 by adding paragraphs (e) to read as follows:

§ 135.63 Recordkeeping requirements.

* * * * *

(e) Each certificate holder authorized to conduct operations in accordance with this part is subject to the Pilot Records Database requirements applicable to air carriers in part 111 of this chapter and must achieve compliance in accordance with the applicable timelines in that part.

Issued under authority provided by 49 U.S.C. 106(f), 106(g) 44701(a), and 44703 in Washington, DC, on March 3, 2020.

Rick Domingo,

Executive Director, Flight Standards Service.

[FR Doc. 2020–04751 Filed 3–27–20; 8:45 am]

BILLING CODE 4910–13–P

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The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available at *https://www.govinfo.gov*. Some laws may not yet be available.

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