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Presidential Documents

Title 3—

The President

Proclamation 10008 of April 8, 2020

National Former Prisoner of War Recognition Day, 2020

By the President of the United States of America

A Proclamation

Since our founding, brave men and women who have selflessly answered the call of duty to defend our precious liberty have shaped the fabric of our Nation. In the course of fighting for our freedom and security, many of these heroes have been captured and often subjected to shocking conditions and unimaginable torture. On National Former Prisoner of War Recognition Day, we honor the more than 500,000 American warriors captured while protecting our way of life. We pay tribute to these patriots for their unwavering and unrelenting spirit.

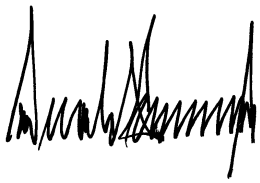
In every major conflict in our Nation's history, American prisoners of war (POWs) have stared down our enemies, knowing at any moment their captors might torture them yet again or even kill them. These patriots, however, knew that they were fighting for something much larger than individual survival. They persevered for the sake of their fellow POWs, comrades in arms, families, and country.

Later this year, we will commemorate the 75th anniversary of the conclusion of World War II. Over the course of the war, nearly 94,000 American troops in the European Theater and an additional 27,000 in the Pacific Theater were captured and held as POWs. Subjected to starvation, lack of medical care, and unimaginable suffering, these Americans endured hell on Earth. The POWs who returned home were forever changed. Many bore the seen and unseen scars and wounds of war, having experienced the worst of humanity.

Though we can never fully understand the depth of their brutal imprisonment and mistreatment, as Americans, it is our duty to ensure all former POWs receive the love, care, compassion, appreciation, and support they deserve. It is our national obligation to remain mindful of the tremendous sacrifices they, their family members, and their loved ones endured over months and years of uncertainty, worry, and heartache. May the stories of these warriors inspire us to live each day with fierce conviction, indomitable will, and everlasting pride for our country.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 9, 2020, as National Former Prisoner of War Recognition Day. I call upon Americans to observe this day by honoring the service and sacrifice of all former prisoners of war and to express our Nation's eternal gratitude for their sacrifice. I also call upon Federal, State, and local government officials and organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.



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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 3

[Docket No. OCC–2020–0018]

RIN 1557–AE90

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Regulations Q; Docket No. R–1712]

RIN 7100–AF86

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 324

RIN 3064–AF49

Regulatory Capital Rule: Paycheck Protection Program Lending Facility and Paycheck Protection Program Loans

AGENCY: Office of the Comptroller of the Currency (OCC), Board of Governors of the Federal Reserve System (Board), and Federal Deposit Insurance Corporation (FDIC).

ACTION: Interim final rule; request for comment.

SUMMARY: To provide liquidity to small business lenders and the broader credit markets, to help stabilize the financial system, and to provide economic relief to small businesses nationwide, the Board of Governors of the Federal Reserve System (Board) authorized each of the Federal Reserve Banks to participate in the Paycheck Protection Program Lending Facility (PPPL Facility), pursuant to section 13(3) of the Federal Reserve Act. Under the PPPL Facility, each of the Federal Reserve Banks will extend non-recourse loans to eligible financial institutions to fund loans guaranteed by the Small Business Administration under the Paycheck Protection Program established by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). To facilitate use of this Federal Reserve facility, the Office of the Comptroller of the Currency, the Board, and the Federal Deposit Insurance Corporation (together, the agencies) are adopting this interim final rule to allow banking organizations to neutralize the regulatory capital effects of participating in the facility. This treatment is similar to the treatment extended previously by the agencies in connection with the Federal Reserve's Money Market Mutual Fund Liquidity Facility. In addition, as mandated by section 1102 of the CARES Act, loans originated under the Small Business Administration's Paycheck Protection Program will receive a zero percent risk weight under the agencies' regulatory capital rule.

DATES:

Effective date: The interim final rule is effective April 13, 2020.

Comment date: Comments on the interim final rule must be received no later than May 13, 2020.

ADDRESSES:

OCC: Commenters are encouraged to submit comments through the Federal eRulemaking Portal or email, if possible. Please use the title ''Regulatory Capital Rule: Paycheck Protection Program Lending Facility and Paycheck Protection Program Loans'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal—Regulations.gov Classic or Regulations.gov Beta: Regulations.gov Classic:* Go to *https://www.regulations.gov/.* Enter ''Docket ID OCC–2020–0018'' in the Search Box and click ''Search.'' Click on ''Comment Now'' to submit public comments. For help with submitting effective comments please click on ''View Commenter's Checklist.'' Click on the ''Help'' tab on the *Regulations.gov* home page to get information on using *Regulations.gov,* including instructions for submitting public comments.

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- *Email: regs.comments@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
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Instructions: You must include ''OCC'' as the agency name and ''Docket ID OCC–2020–0018'' in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the *Regulations.gov* website without change, including any business or personal information provided such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this rulemaking action by any of the following methods:

- *Viewing Comments Electronically—Regulations.gov Classic or Regulations.gov Beta: Regulations.gov Classic:* Go to *https://www.regulations.gov/.* Enter ''Docket ID OCC–2020–0018'' in the Search box and click ''Search.'' Click on ''Open Docket Folder'' on the right side of the screen. Comments and supporting materials can be viewed and filtered by clicking on ''View all documents and comments in this docket'' and then using the filtering tools on the left side of the screen. Click on the ''Help'' tab on the *Regulations.gov* home page to get information on using *Regulations.gov.*

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The docket may be viewed after the close of the comment period in the same manner as during the comment period.

Board: You may submit comments, identified by Docket No. R–1712; RIN 7100–AF86, by any of the following methods:

- *Agency Website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Email: regs.comments@federalreserve.gov.* Include docket and RIN numbers in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments will be made available on the Board's website at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684.

FDIC: You may submit comments, identified by RIN 3064–AF49, by any of the following methods:

- *Agency Website: https://www.fdic.gov/regulations/laws/federal.* Follow instructions for submitting comments on the Agency website.
- *Email: Comments@FDIC.gov.* Include ''RIN 3064–AF49'' on the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments/RIN 3064–AF49, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

FOR FURTHER INFORMATION CONTACT:

OCC: Margot Schwadron, Director, or Andrew Tschirhart, Risk Expert, Capital and Regulatory Policy, (202) 649–6370; or Carl Kaminski, Special Counsel, or Christopher Rafferty, Counsel, Chief Counsel's Office, (202) 649–5490, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

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I. Background

The spread of the coronavirus disease 2019 (COVID–19) has slowed economic activity in many countries, including the United States. Financial conditions have tightened markedly, and the cost of credit has risen for most borrowers. Small businesses are acutely impacted by the COVID–19 pandemic. As millions of Americans have been ordered to stay home, severely reducing their ability to engage in normal commerce, revenue streams for many small businesses have collapsed. This has resulted in severe liquidity constraints at small businesses and has forced many small businesses to close temporarily or furlough employees. Continued access to financing will be crucial for small businesses to weather economic disruptions caused by COVID–19 and, ultimately, to help restore economic activity.

As part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and in recognition of the exigent circumstances faced by small businesses, Congress created the Paycheck Protection Program (PPP). PPP covered loans are fully guaranteed as to principal and accrued interest by the Small Business Administration (SBA), the amount of each being determined at the time the guarantee is exercised. As a general matter, SBA guarantees are backed by the full faith and credit of the U.S. Government. PPP covered loans also afford borrowers forgiveness up to the principal amount of the PPP covered loan, if the proceeds of the PPP covered loan are used for certain expenses. The SBA reimburses PPP lenders for any amount of a PPP covered loan that is forgiven. PPP lenders are not held liable for any representations made by PPP borrowers in connection with a borrower's request for PPP covered loan forgiveness.

Under the PPP, eligible borrowers generally include businesses with fewer than 500 employees or that are otherwise considered by the SBA to be small, including individuals operating sole proprietorships or acting as independent contractors, certain franchisees, nonprofit corporations, veterans organizations, and Tribal businesses.[1] The loan amount under the PPP would be limited to the lesser of $10 million and 250 percent of a

[1] For more information on the Paycheck Protection Program, see *https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/paycheck-protection-program-ppp.*

borrower's average monthly payroll costs.[2]

In order to provide liquidity to small business lenders and the broader credit markets, and to help stabilize the financial system, on April 7, 2020, the Board, with approval of the Secretary of the Treasury, authorized each of the Federal Reserve Banks to extend credit under the Paycheck Protection Program Lending Facility (PPPL Facility), pursuant to section 13(3) of the Federal Reserve Act.[3] Under the PPPL Facility, each of the Federal Reserve Banks will extend non-recourse loans to institutions that are eligible to make PPP covered loans, including depository institutions subject to the agencies' capital rules.[4] Under the PPPL Facility, only PPP covered loans that are guaranteed by the SBA under the Paycheck Protection Program with respect to both principal and interest and that are originated by an eligible institution may be pledged as collateral to the Federal Reserve Banks (eligible collateral).

To facilitate the use of this Federal Reserve facility, the agencies are adopting the interim final rule, which allows banking organizations to neutralize the regulatory capital effects of loans pledged to the PPPL Facility. This relief, which applies to both risk-based and leverage capital ratios, including the community bank leverage ratio, is consistent with the treatment that the agencies previously provided to banking organizations to facilitate use of the Federal Reserve's Money Market Mutual Fund Liquidity Facility.[5]

III. The Interim Final Rule

A. Regulatory Capital Treatment of PPPL Facility Exposures

The agencies' capital rules require banking organizations to comply with risk-based and leverage capital requirements, which are expressed as a ratio of regulatory capital to assets and certain other exposures. Risk-based capital requirements are based on risk-weighted assets, whereas leverage capital requirements are based on a measure of average total consolidated assets or total leverage exposure. Participation in the PPPL Facility will affect the balance sheet of an eligible banking organization because, as a function of participating in the PPPL Facility, the banking organization must originate and hold PPP covered loans (that is, assets that are eligible collateral pledged to the Federal Reserve Banks) on its balance sheet.[6] As a result, an eligible banking organization that participates in the PPPL Facility could potentially be subject to increased regulatory capital requirements.

The agencies believe that the regulatory capital requirements for PPP covered loans pledged by a banking organization to a Federal Reserve Bank as part of the PPPL Facility do not reflect the substantial protections from risk provided to the banking organization by the facility. Because of the non-recourse nature of the Federal Reserve's extension of credit to the banking organization, the banking organization is not exposed to credit or market risk from the pledged PPP covered loans. Therefore, the agencies believe that it would be appropriate to exclude the effects of these pledged PPP covered loans from the banking organization's regulatory capital.[7]

Specifically, the interim final rule would permit banking organizations to exclude exposures pledged as collateral to the PPPL Facility from a banking organization's total leverage exposure, average total consolidated assets, advanced approaches-total risk-weighted assets, and standardized total risk-weighted assets, as applicable.[8]

Question 1: The agencies invite comment on the advantages and disadvantages of neutralizing the effects of participating in the PPPL Facility on regulatory capital requirements. How does the approach in the interim final rule support the objectives of the facility? What other steps could be taken to support the objectives of the facility? What safety and soundness concerns should the agencies consider in connection with the approach in the interim final rule?

B. Regulatory Capital Treatment of PPP Covered Loans

The agencies' regulatory capital rule requires a banking organization to apply a zero percent risk weight to the portion of exposures that is guaranteed by a U.S. Government agency for purposes of the banking organization's risk-based capital requirements.[9] Section 1102 of the CARES Act requires banking organizations to apply a zero percent risk weight to PPP covered loans. Accordingly, and consistent with Section 1102 of the CARES Act, the agencies are amending sections 32 and 131 of the capital rule to clarify that PPP covered loans originated by a banking organization under the Paycheck Protection Program will receive a zero percent risk weight.

The agencies seek comment on all aspects of the interim final rule.

IV. Administrative Law Matters

A. Administrative Procedure Act

The agencies are issuing the interim final rule without prior notice and the opportunity for public comment and the delayed effective date ordinarily prescribed by the Administrative Procedure Act (APA).[10] Pursuant to section 553(b)(B) of the APA, general notice and the opportunity for public comment are not required with respect to a rulemaking when an ''agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [11]

The agencies believe that the public interest is best served by implementing the interim final rule immediately upon publication in the **Federal Register**. As discussed above, the spread of COVID–19 has slowed economic activity in many countries, including the United States. Financial conditions have tightened markedly, and the cost of credit has risen for most borrowers. Small businesses are acutely impacted by the COVID–19 pandemic. As millions of Americans have been ordered to stay home, severely reducing their ability to engage in normal commerce, revenue streams for many small businesses have collapsed. This has resulted in severe liquidity constraints at small businesses and has forced many small businesses to close temporarily or furlough employees. Continued access to financing will be crucial for small businesses to weather economic disruptions caused by COVID–19 and, ultimately, to help restore economic activity.

[2] *Id.*

[3] 12 U.S.C. 343(3).

[4] *See* 12 part 3 (OCC); 12 CFR part 217 (Board); 12 CFR part 324 (FDIC).

[5] *See* Regulatory Capital Rule: Money Market Mutual Fund Liquidity Facility, 80 FR 16232 (March 23, 2020). This treatment also is consistent with relief provided in connection with the Asset-Backed Commercial Paper Money Market Mutual Fund Facility in 2008, 73 FR 55706 (Sept. 26, 2008).

[6] Under the Small Business Administration's interim final rule, a lender may request that the Small Business Administration purchase the expected forgiveness amount of a PPP covered loan or pool of PPP covered loans at the end of week seven of the covered period. *See* Interim Final Rule ''Business Loan Program Temporary Changes; Paycheck Protection Program,'' *https://www.sba.gov/sites/default/files/2020-04/PPP-IFRN%20FINAL_0.pdf.*

[7] This includes covered PPP loans originated beginning on April 3, 2020, and pledged to the Federal Reserve Banks in connection with this facility.

[8] This treatment would extend to the community bank leverage ratio.

[9] *See* 12 CFR 3.32(a)(1) (OCC); 12 CFR 217.32(a)(1) (Board); 12 CFR 324.32(a)(1) (FDIC).

[10] 5 U.S.C. 553.

[11] 5 U.S.C. 553(b)(B).

In order to provide liquidity to small business lenders and the broader credit markets, and to stabilize the financial system, the Board, with approval of the Secretary of the Treasury, authorized each of the Federal Reserve Banks to extend credit under the PPPL Facility, and the interim final rule will facilitate this Federal Reserve lending program. For these reasons, the agencies find that there is good cause consistent with the public interest to issue the rule without advance notice and comment.[12]

The APA also requires a 30-day delayed effective date, except for (1) substantive rules that grant or recognize an exemption or relieve a restriction; (2) interpretative rules and statements of policy; or (3) as otherwise provided by the agency for good cause.[13] Because the rules relieve a restriction, the interim final rule is exempt from the APA's delayed effective date requirement.[14]

While the agencies believe that there is good cause to issue the interim final rule without advance notice and comment and with an immediate effective date, the agencies are interested in the views of the public and requests comment on all aspects of the interim final rule.

B. Congressional Review Act

For purposes of Congressional Review Act (CRA), the Office of Management and Budget (OMB) makes a determination as to whether a final rule constitutes a ''major'' rule.[15] If a rule is deemed a ''major rule'' by the OMB, the CRA generally provides that the rule may not take effect until at least 60 days following its publication.[16]

The CRA defines a ''major rule'' as any rule that the Administrator of the Office of Information and Regulatory Affairs of the OMB 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.[17]

For the same reasons set forth above, the agencies are adopting the interim final rule without the delayed effective date generally prescribed under the CRA. The delayed effective date required by the CRA does not apply to any rule for which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.[18] In light of current market uncertainty, the agencies believe that delaying the effective date of the rule would be contrary to the public interest.

As required by the CRA, the agencies will submit the interim final rule and other appropriate reports to Congress and the Government Accountability Office for review.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid OMB control number.[19] The interim final rule affects the agencies' current information collections for the Consolidated Reports of Condition and Income (Call Reports) (FFIEC 031, FFIEC 041, and FFIEC 051) and the Regulatory Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework (FFIEC 101). The OMB control numbers for the Call Reports of the agencies are: OCC OMB No. 1557–0081; Board OMB No. 7100–0036; and FDIC OMB No. 3064–0052. The OMB control numbers for FFIEC 101 of the agencies are: OCC OMB No. 1557–0239; Board OMB No. 7100–0319; and FDIC OMB No. 3064–0159. The Board has reviewed the interim final rule pursuant to authority delegated by the OMB.

Although there is a substantive change to the actual calculation of total leverage exposure, average total consolidated assets, standardized total risk-weighted assets, and advanced approaches total risk-weighted assets, as applicable, for purposes of the Call Reports, the change should be minimal and result in a zero net change in hourly burden under the agencies' information collections. Submissions will, however, be made by the agencies to OMB. The changes to the instructions of the Call Reports and FFIEC 101 will be addressed in a separate **Federal Register** notice.

The Board has temporarily revised the instructions to the Financial Statements for Holding Companies (FR Y–9 reports; OMB No. 7100–0128) to reflect the changes made in this interim final rule. On June 15, 1984, OMB delegated to the Board authority under the PRA to temporarily approve a revision to a collection of information without providing opportunity for public comment if the Board determines that a change in an existing collection must be instituted quickly and that public participation in the approval process would defeat the purpose of the collection or substantially interfere with the Board's ability to perform its statutory obligation.

The Board's delegated authority requires that the Board, after temporarily approving a collection, solicit public comment on a proposal to extend the temporary collection for a period not to exceed three years. Therefore, the Board is inviting comment to extend the FR Y–9 reports for three years, with revision. The Board invites public comment on the FR Y–9 reports, which are being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the collection of information in the interim final rule is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the information collection in the interim final rule, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Comments must be submitted on or before May 13, 2020. At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the interim final rule.

Adopted Revision, With Extension for Three Years, of the Following Information Collection:

Report title: Financial Statements for Holding Companies.

Agency form number: FR Y–9C; FR Y–9LP; FR Y–9SP; FR Y–9ES; FR Y–9CS.

OMB control number: 7100–0128.

Effective date: June 30, 2020.

Frequency: Quarterly, semiannually, and annually.

[12] 5 U.S.C. 553(b)(B).

[13] 5 U.S.C. 553(d).

[14] 5 U.S.C. 553(d)(1).

[15] 5 U.S.C. 801 *et seq.*

[16] 5 U.S.C. 801(a)(3).

[17] 5 U.S.C. 804(2).

[18] 5 U.S.C. 808.

[19] 4 U.S.C. 3501–3521.

Affected public: Businesses or other for-profit.

Respondents: Bank holding companies (BHCs), savings and loan holding companies (SLHCs),[20] securities holding companies (SHCs), and U.S. intermediate holding companies (IHCs) (collectively, holding companies (HCs)).

Estimated number of respondents: FR Y–9C (non-advanced approaches (AA) community bank leverage ratio (CBLR) HCs) with less than $5 billion in total assets—71, FR Y–9C (non-AA CBLR HCs) with $5 billion or more in total assets—35, FR Y–9C (non-AA non-CBLR HCs) with less than $5 billion in total assets—84, FR Y–9C (non-AA non-CBLR HCs) with $5 billion or more in total assets—154, FR Y–9C (AA HCs)—19, FR Y–9LP—434, FR Y–9SP—3,960, FR Y–9ES—83, FR Y–9CS—236.

Estimated average hours per response:

Reporting

FR Y–9C (non-AA CBLR HCs) with less than $5 billion in total assets—29.14, FR Y–9C (non-AA CBLR HCs) with $5 billion or more in total assets—35.11, FR Y–9C (non-AA non-CBLR HCs) with less than $5 billion in total assets—40.98, FR Y–9C (non-AA non-CBLR HCs) with $5 billion or more in total assets—46.95, FR Y–9C (AA HCs)—48.59, FR Y–9LP—5.27, FR Y–9SP—5.40, FR Y–9ES—0.50, FR Y–9CS—0.50.

Recordkeeping

FR Y–9C—1, FR Y–9LP—1, FR Y–9SP—0.50, FR Y–9ES—0.50, FR Y–9CS—0.50.

Estimated annual burden hours:

Reporting

FR Y–9C (non-AA CBLR HCs) with less than $5 billion in total assets—8,276, FR Y–9C (non-AA CBLR HCs) with $5 billion or more in total assets—4,915, FR Y–9C (non-AA non-CBLR HCs) with less than $5 billion in total assets—13,769, FR Y–9C (non-AA non-CBLR HCs) with $5 billion or more in total assets—28,921, FR Y–9C (AA HCs)—3,693, FR Y–9LP—9,149, FR Y–9SP—42,768, FR Y–9ES—42, FR Y–9CS—472.

Recordkeeping

FR Y–9C—1,452, FR Y–9LP—1,736, FR Y–9SP—3,960, FR Y–9ES—42, FR Y–9CS—472.

[20] An SLHC must file one or more of the FR Y–9 family of reports unless it is: (1) A grandfathered unitary SLHC with primarily commercial assets and thrifts that make up less than 5 percent of its consolidated assets; or (2) a SLHC that primarily holds insurance-related assets and does not otherwise submit financial reports with the SEC pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

General description of report: The FR Y–9 reports continue to be the primary source of financial data on holding companies that examiners rely on in the intervals between on-site inspections. Financial data from these reporting forms are used to detect emerging financial problems, to review performance and conduct pre-inspection analysis, to monitor and evaluate capital adequacy, to evaluate HC mergers and acquisitions, and to analyze a holding company's overall financial condition to ensure the safety and soundness of its operations. The FR Y–9C, FR Y–9LP, and FR Y–9SP serve as standardized financial statements for the consolidated HC. The Board requires HCs to provide standardized financial statements to fulfill the Board's statutory obligation to supervise these organizations. The FR Y–9ES is a financial statement for HCs that are Employee Stock Ownership Plans. The Board uses the FR Y–9CS (a free-form supplement) to collect additional information deemed to be critical and needed in an expedited manner. HCs file the FR Y–9C on a quarterly basis, the FR Y–9LP quarterly, the FR Y–9SP semiannually, the FR Y–9ES annually, and the FR Y–9CS on a schedule that is determined when this supplement is used.

Legal authorization and confidentiality: The Board has the authority to impose the reporting and recordkeeping requirements associated with the FR Y–9 family of reports on BHCs pursuant to section 5 of the Bank Holding Company Act of 1956 (BHC Act) (12 U.S.C. 1844); on SLHCs pursuant to section 10(b)(2) and (3) of the Home Owners' Loan Act (12 U.S.C. 1467a(b)(2) and (3)), as amended by sections 369(8) and 604(h)(2) of the Dodd-Frank Wall Street and Consumer Protection Act (Dodd-Frank Act); on U.S. IHCs pursuant to section 5 of the BHC Act (12 U.S.C 1844), as well as pursuant to sections 102(a)(1) and 165 of the Dodd-Frank Act (12 U.S.C. 511(a)(1) and 5365); and on SHCs pursuant to section 618 of the Dodd-Frank Act (12 U.S.C. 1850a(c)(1)(A)). The obligation to submit the FR Y–9 reports, and the recordkeeping requirements set forth in the respective instructions to each report, are mandatory.

With respect to the FR Y–9C report, Schedule HI's memoranda data item 7(g) ''FDIC deposit insurance assessments,'' Schedule HC–P's data item 7(a) ''Representation and warranty reserves for 1–4 family residential mortgage loans sold to U.S. government agencies and government sponsored agencies,'' and Schedule HC–P's data item 7(b) ''Representation and warranty reserves for 1–4 family residential mortgage loans sold to other parties'' are considered confidential commercial and financial information. Such treatment is appropriate under exemption 4 of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(4)) because these data items reflect commercial and financial information that is both customarily and actually treated as private by the submitter, and which the Board has previously assured submitters will be treated as confidential. It also appears that disclosing these data items may reveal confidential examination and supervisory information, and in such instances, this information would also be withheld pursuant to exemption 8 of the FOIA (5 U.S.C. 552(b)(8)), which protects information related to the supervision or examination of a regulated financial institution.

In addition, for both the FR Y–9C report and the FR Y–9SP report, Schedule HC's memorandum item 2.b., the name and email address of the external auditing firm's engagement partner, is considered confidential commercial information and protected by exemption 4 of the FOIA (5 U.S.C. 552(b)(4)) if the identity of the engagement partner is treated as private information by HCs. The Board has assured respondents that this information will be treated as confidential since the collection of this data item was proposed in 2004.

Aside from the data items described above, the remaining data items on the FR Y–9C report and the FR Y–9SP report are generally not accorded confidential treatment. The data items collected on FR Y–9LP, FR Y–9ES, and FR Y–9CS reports, are also generally not accorded confidential treatment. As provided in the Board's Rules Regarding Availability of Information (12 CFR part 261), however, a respondent may request confidential treatment for any data items the respondent believes should be withheld pursuant to a FOIA exemption. The Board will review any such request to determine if confidential treatment is appropriate, and will inform the respondent if the request for confidential treatment has been denied.

To the extent the instructions to the FR Y–9C, FR Y–9LP, FR Y–9SP, and FR Y–9ES reports each respectively direct the financial institution to retain the workpapers and related materials used in preparation of each report, such material would only be obtained by the Board as part of the examination or supervision of the financial institution. Accordingly, such information is considered confidential pursuant to exemption 8 of the FOIA (5 U.S.C.

552(b)(8)). In addition, the workpapers and related materials may also be protected by exemption 4 of the FOIA, to the extent such financial information is treated as confidential by the respondent (5 U.S.C. 552(b)(4)).

Current actions: The Board has temporarily revised the instructions for the FR Y–9C to reflect the exclusion of PPP loans pledged to the PPPL Facility from the institution's total leverage exposure, average total consolidated assets, advanced approaches total risk-weighted assets, and standardized total risk-weighted assets, as applicable.[21] Specifically, the Board has temporarily revised the FR Y–9C instructions to permit HCs to assign a zero percent risk weight to covered loans pledged to the PPPL Facility for purposes of determining the risk-weighted assets and leverage ratio. HCs would report these covered loans pledged to the PPPL Facility in Schedule HC–R, Part II, item 5.d., ''Loans and leases held for investment: All other exposures'' as appropriate, in both Column A (Totals) and Column C (0% risk-weight category).[22] The average of such assets purchased would be reported in Schedule HC–R, part I, item 29, ''LESS: Other deductions from (additions to) assets for leverage ratio purposes,'' and thus excluded from Schedule HC–R, item 30, ''Total assets for the leverage ratio.''

The Board has determined that the revisions to the FR Y–9C must be instituted quickly and that public participation in the approval process would defeat the purpose of the collection of information, as delaying the revisions would result in the collection of inaccurate information and would interfere with the Board's ability to perform its statutory duties.

The Board also proposes to extend the FR Y–9 reports for three years, with the revisions discussed above.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA)[23] requires an agency to consider whether the rules it proposes will have a significant economic impact on a substantial number of small entities.[24] The RFA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b). As discussed previously, consistent with section 553(b)(B) of the APA, the agencies have determined for good cause that general notice and opportunity for public comment is unnecessary, and therefore the agencies are not issuing a notice of proposed rulemaking. Accordingly, the agencies have concluded that the RFA's requirements relating to initial and final regulatory flexibility analysis do not apply.

Nevertheless, the agencies seek comment on whether, and the extent to which, the interim final rule would affect a significant number of small entities.

E. Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act (RCDRIA),[25] in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions (IDIs), each Federal banking agency must consider, consistent with the principle of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition, section 302(b) of RCDRIA requires new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements on IDIs generally to take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form, with certain exceptions, including for good cause.[26] For the reasons described above, the agencies find good cause exists under section 302 of RCDRIA to publish the interim final rule with an immediate effective date.

As such, the interim final rule will be effective immediately. Nevertheless, the agencies seek comment on RCDRIA.

F. Use of Plain Language

Section 722 of the Gramm-Leach-Bliley Act[27] requires the Federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The agencies have sought to present the interim final rule in a simple and straightforward manner. The agencies invite comments on whether there are additional steps it could take to make the rule easier to understand. For example:

- Have we organized the material to suit your needs? If not, how could this material be better organized?
- Are the requirements in the regulation clearly stated? If not, how could the regulation be more clearly stated?
- Does the regulation contain language or jargon that is not clear? If so, which language requires clarification?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the regulation easier to understand? If so, what changes to the format would make the regulation easier to understand? What else could we do to make the regulation easier to understand?

G. Unfunded Mandates Act

As a general matter, the Unfunded Mandates Act of 1995 (UMRA), 2 U.S.C. 1531 *et seq.,* requires the preparation of a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. However, the UMRA does not apply to final rules for which a general notice of proposed rulemaking was not published. See 2 U.S.C. 1532(a). Therefore, because the OCC has found good cause to dispense with notice and comment for the interim final rule, the OCC has not prepared an economic analysis of the rule under the UMRA.

List of Subjects

12 CFR Part 3

Administrative practice and procedure, Capital, Federal savings associations, National banks, Risk.

12 CFR Part 217

Administrative practice and procedure, Banks, Banking, Capital, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Risk, Securities.

12 CFR Part 324

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

[21] This treatment also would apply to those banking organizations that have elected to opt into the CBLR framework.

[22] Reporting in Schedule HC–R, Part II, only applies to non CBLR holding companies.

[23] 5 U.S.C. 601 *et seq.*

[24] Under regulations issued by the Small Business Administration, a small entity includes a depository institution, bank holding company, or savings and loan holding company with total assets of $600 million or less and trust companies with total assets of $41.5 million or less. *See* 13 CFR 121.201.

[25] 12 U.S.C. 4802(a).

[26] 12 U.S.C. 4802.

[27] 12 U.S.C. 4809.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Chapter I

Authority and Issuance

For the reasons stated in the preamble, the Office of the Comptroller of the Currency amends part 3 of chapter I of title 12, Code of Federal Regulations as follows:

PART 3—CAPITAL ADEQUACY STANDARDS

■ 1. The authority citation for part 3 is revised to read as follows:

Authority: 12 U.S.C. 93a, 161, 1462, 1462a, 1463, 1464, 1818, 1828(n), 1828 note, 1831n note, 1835, 3907, 3909, 5412(b)(2)(B), and Pub. L. 116–136, 134 Stat. 281.

■ 2. Amend § 3.2 in the definition of ''Corporate exposure'' by revising paragraphs (12) and (13) and adding paragraph (14) to read as follows:

§ 3.2 Definitions.

* * * * *

Corporate exposure * * *

(12) A policy loan;

(13) A separate account; or

(14) A Paycheck Protection Program covered loan as defined in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

* * * * *

■ 3. Amend § 3.32 by adding paragraph (a)(1)(iii) to read as follows:

§ 3.32 General risk weights.

(a) * * *

(1) * * *

(iii) A national bank or Federal savings association must assign a zero percent risk weight to a Paycheck Protection Program covered loan as defined in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

* * * * *

■ 4. Amend § 3.131 by adding paragraph (e)(3)(viii) to read as follows:

§ 3.131 Mechanics for calculating total wholesale and retail risk-weighted assets.

* * * * *

(e) * * *

(3) * * *

(viii) The risk-weighted asset amount for a Paycheck Protection Program covered loan as defined in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) equals zero.

* * * * *

■ 5. Add § 3.305 to read as follows:

§ 3.305 Exposures related to the Paycheck Protection Program Lending Facility.

Notwithstanding any other section of this part, a national bank or Federal savings association may exclude exposures pledged as collateral for a non-recourse loan that is provided as part of the Paycheck Protection Program Lending Facility, announced by the Federal Reserve Board on April 7, 2020, from total leverage exposure, average total consolidated assets, advanced approaches total risk-weighted assets, and standardized total risk-weighted assets, as applicable. For the purpose of this section, a national bank's or Federal savings association's liability under the facility must be reduced by the principal amount of the loans pledged as collateral for funds advanced under the facility.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

12 CFR Chapter II

Authority and Issuance

For the reasons stated in the preamble, the Board of Governors of the Federal Reserve System amends 12 CFR chapter II as follows:

PART 217—CAPITAL ADEQUACY OF BANK HOLDING COMPANIES, SAVINGS AND LOAN HOLDING COMPANIES, AND STATE MEMBER BANKS (REGULATION Q)

■ 6. The authority citation for part 217 is revised to read as follows:

Authority: 12 U.S.C. 248(a), 321–338a, 481–486, 1462a, 1467a, 1818, 1828, 1831n, 1831o, 1831p–1, 1831w, 1835, 1844(b), 1851, 3904, 3906–3909, 4808, 5365, 5368, 5371 and 5371 note; Pub. L. 116–136, 134 Stat. 281.

■ 7. Amend § 217.2 in the definition of ''Corporate exposure'' by revising paragraphs (12) and (13) and adding paragraph (14) to read as follows:

§ 217.2 Definitions.

* * * * *

Corporate exposure * * *

(12) A policy loan;

(13) A separate account; or

(14) A Paycheck Protection Program covered loan as defined in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

* * * * *

■ 8. Amend § 217.32 by adding paragraph (a)(1)(iii) to read as follows:

§ 217.32 General risk weights.

(a) * * *

(1) * * *

(iii) A Board-regulated institution must assign a zero percent risk weight to a Paycheck Protection Program covered loan as defined in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

* * * * *

■ 9. Amend § 217.131 by adding paragraph (e)(3)(viii) to read as follows:

§ 217.131 Mechanics for calculating total wholesale and retail risk-weighted assets.

* * * * *

(e) * * *

(3) * * *

(viii) The risk-weighted asset amount for a Paycheck Protection Program covered loan as defined in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) equals zero.

* * * * *

■ 10. Add § 217.305 to read as follows:

§ 217.305 Exposures related to the Paycheck Protection Program Lending Facility.

Notwithstanding any other section of this part, a Board-regulated institution may exclude exposures pledged as collateral for a non-recourse loan that is provided as part of the Paycheck Protection Program Lending Facility, announced by the Board on April 7, 2020, from total leverage exposure, average total consolidated assets, advanced approaches total risk-weighted assets, and standardized total risk-weighted assets, as applicable. For the purpose of this section, a Board-regulated institution's liability under the facility must be reduced by the principal amount of the loans pledged as collateral for funds advanced under the facility.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

Authority and Issuance

For the reasons set forth in the joint preamble, chapter III of title 12 of the Code of Federal Regulations is amended as follows:

PART 324—CAPITAL ADEQUACY OF FDIC-SUPERVISED INSTITUTIONS

■ 11. The authority citation for part 324 is revised to read as follows:

Authority: 12 U.S.C. 1815(a), 1815(b), 1816, 1818(a), 1818(b), 1818(c), 1818(t), 1819(Tenth), 1828(c), 1828(d), 1828(i), 1828(n), 1828(o), 1831o, 1835, 3907, 3909, 4808; 5371; 5412; Pub. L. 102–233, 105 Stat. 1761, 1789, 1790 (12 U.S.C. 1831n note); Pub. L. 102–242, 105 Stat. 2236, 2355, as amended by Pub. L. 103–325, 108 Stat. 2160, 2233 (12 U.S.C. 1828 note); Pub. L. 102–242, 105 Stat. 2236, 2386, as amended by Pub. L. 102–550, 106 Stat. 3672, 4089 (12 U.S.C. 1828 note); Pub. L. 111–203, 124 Stat. 1376, 1887 (15 U.S.C. 78o–7 note); Pub. L. 115–174; Pub. L. 116–136, 134 Stat. 281.

■ 12. Amend § 324.2 in the definition of ''Corporate exposure'' by revising paragraphs (12) and (13) and adding paragraph (14) to read as follows:

§ 324.2 Definitions.

* * * * *

Corporate exposure * * *

(12) A policy loan;

(13) A separate account; or

(14) A Paycheck Protection Program covered loan as defined in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

* * * * *

■ 13. Section 324.32 is amended by adding paragraph (a)(1)(iii) to read as follows:

§ 324.32 General risk weights.

(a) * * *

(1) * * *

(iii) An FDIC-supervised institution must assign a zero percent risk weight to a Paycheck Protection Program covered loan as defined in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

* * * * *

■ 14. Amend § 324.131 by revising paragraph (e)(3)(viii) to read as follows:

§ 324.131 Mechanics for calculating total wholesale and retail risk-weighted assets.

* * * * *

(e) * * *

(3) * * *

(viii) The risk-weighted asset amount for a Paycheck Protection Program covered loan as defined in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)) equals zero.

* * * * *

■ 15. Add § 324.304 to read as follows:

§ 324.304 Exposures related to the Paycheck Protection Program Lending Facility.

Notwithstanding any other section of this part, an FDIC-supervised institution may exclude exposures pledged as collateral for a non-recourse loan that is provided as part of the Paycheck Protection Program Lending Facility, announced by the Federal Reserve on April 7, 2020, from total leverage exposure, average total consolidated assets, advanced approaches total risk-weighted assets, and standardized total risk-weighted assets, as applicable. For the purpose of this section, an FDIC-supervised institution's liability under the facility must be reduced by the principal amount of the loans pledged as collateral for funds advanced under the facility.

Brian P. Brooks,

First Deputy Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System.

Ann Misback,

Secretary of the Board.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Dated at Washington, DC, on or about April 7, 2020.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2020–07712 Filed 4–10–20; 8:45 am]

BILLING CODE 4810–33–P 6210–01–P 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0728; Product Identifier 2019–NM–071–AD; Amendment 39–19892; AD 2020–07–13]

RIN 2120–AA64

Airworthiness Directives; 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 Bombardier, Inc., Model BD–100–1A10 airplanes. This AD was prompted by a report that during ALTS CAP or (V) ALTS CAP mode, the flight guidance/autopilot does not account for engine failure while capturing an altitude. This AD requires revising the existing airplane flight manual (AFM) to provide the flightcrew with new warnings for ''Autoflight'' and ''Engine Failure in Climb During ALTS CAP.'' The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 18, 2020.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 18, 2020.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free phone: 1–866–538–1247 or direct-dial phone: 1–514–855–2999; email: *ac.yul@aero.bombardier.com;* internet: *http://www.bombardier.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–2019–0728.

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–2019–0728; 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: Steven Dzierzynski, Aerospace Engineer, Avionics and Electrical Systems Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7367; 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–2019–12, dated April 3, 2019 (''Canadian AD CF–2019–12'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model BD–100–1A10 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–2019–0728.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–100–1A10 airplanes. The NPRM published in the **Federal Register** on November 6, 2019 (84 FR 59739). The NPRM was prompted by a report that during ALTS CAP or (V) ALTS CAP mode, the flight guidance/autopilot does not account for engine failure while capturing an altitude. The NPRM proposed to require revising the existing AFM to provide the flightcrew with new warnings for ''Autoflight'' and ''Engine Failure in Climb During ALTS CAP.'' The FAA is issuing this AD to address the occurrence of an engine failure during or before a climb while in ALTS CAP or (V) ALTS CAP mode, as it could cause the airspeed to drop significantly below the safe operating speed and may require flightcrew intervention to maintain a safe operating speed. 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 that comment.

Request for Clarification of Intent of the Required Actions

NetJets asked if the FAA's intent is to require operators to request approval of an alternative method of compliance (AMOC) each time the AFM is revised. NetJets then requested that if the intent is to require approval of an AMOC each time the AFM is revised, to decrease the number of AMOCs necessary, the FAA specifically refer to Revision 19 of Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM. NetJets noted that paragraph (g) of the proposed AD refers to Revision 21 of Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM, but pointed out that the ALTS CAP warning was introduced in Revision 19 of Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM. NetJets also pointed out that the current revision of Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM is Revision 23.

The FAA agrees to clarify the intent of the AD requirement. The FAA has determined that it is appropriate to match the documents referenced in the MCAI, and has therefore revised this AD to refer to those documents: Bombardier Challenger 300 Airplane Flight Manual, Publication No. CSP 100–1, Revision 53, dated September 5, 2018; and Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM, Revision 19, dated September 5, 2018. The information contained in these revisions is the same as that in the later revisions that were referenced in the NPRM. This AD requires including the information that is provided in the referenced AFM revisions. However, the language in paragraph (g) of this AD is designed to allow incorporating the specific information, regardless of the revision level of the AFM in use, provided the language is identical to the referenced AFM revisions specified in 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 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 Service Information Under 1 CFR Part 51

Bombardier has issued the following service information, which provides new warnings for the ''Autoflight'' procedure in Section 02–04, ''Systems Limitations,'' of the LIMITATIONS section; and ''Engine Failure in Climb During ALTS CAP,'' procedure in Section 03–32, ''Powerplant,'' of the EMERGENCY PROCEDURES section; of the applicable AFM.

- Bombardier Challenger 300 Airplane Flight Manual, Publication No. CSP 100–1, Revision 53, dated September 5, 2018.
- Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM, Revision 19, dated September 5, 2018.

These documents are distinct since they apply to different airplane models in different configurations. 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 252 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	$21,420

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):

2020–07–13 Bombardier, Inc.: Amendment 39–19892; Docket No. FAA–2019–0728; Product Identifier 2019–NM–071–AD.

(a) Effective Date

This AD is effective May 18, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–100–1A10 airplanes, certificated in any category, serial numbers 20003 through 20500 inclusive and 20501 through 20752 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 22, Auto flight.

(e) Reason

This AD was prompted by a report that during ''ALTS CAP'' or ''(V) ALTS CAP'' mode, the flight guidance/autopilot does not account for engine failure while capturing an altitude. The FAA is issuing this AD to address the occurrence of an engine failure during or before a climb while in ALTS CAP or (V) ALTS CAP mode, as it could cause the airspeed to drop significantly below the safe operating speed and may require prompt flightcrew intervention to maintain a safe operating speed.

(f) Compliance

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

(g) Revision of the Existing Airplane Flight Manual (AFM)

Within 30 days after the effective date of this AD: Revise the existing AFM to include the information in the ''Autoflight'' procedure in Section 02–04, ''System Limitations,'' of the LIMITATIONS section, and ''Engine Failure in Climb During ALTS CAP,'' procedure in Section 03–32, ''Powerplant,'' of the EMERGENCY PROCEDURES section; of the Bombardier Challenger 300 Airplane Flight Manual, Publication No. CSP 100–1, Revision 53, dated September 5, 2018 (for airplanes having serial numbers 20003 through 20500 inclusive); or the Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM, Revision 19, dated September 5, 2018 (for airplanes having serial numbers 20501 through 20752 inclusive).

(h) 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; phone: 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 corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2019–12, dated April 3, 2019, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2019–0728.

(2) For more information about this AD, contact Steven Dzierzynski, Aerospace Engineer, Avionics and Electrical Systems Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7367; fax: 516–794–5531; email: *9-avs-nyaco-cos@faa.gov.*

(j) Material Incorporated by Reference

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

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

(i) Bombardier Challenger 300 Airplane Flight Manual, Publication No. CSP 100–1, Revision 53, dated September 5, 2018.

(A) Section 02–04, ''Systems Limitations,'' of the LIMITATIONS section.

(B) Section 03–32, ''Powerplant,'' of the EMERGENCY PROCEDURES section.

(ii) Bombardier Challenger 350 Airplane Flight Manual, Publication No. CH 350 AFM, Revision 19, dated September 5, 2018.

(A) Section 02–04, ''Systems Limitations,'' of the LIMITATIONS section.

(B) Section 03–32, ''Powerplant,'' of the EMERGENCY PROCEDURES section.

(3) For service information identified in this AD, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free phone: 1–866–538–1247 or direct-dial phone: 1–514–855–2999; email: *ac.yul@aero.bombardier.com;* internet: *http://www.bombardier.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 April 3, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–07644 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–1075; Product Identifier 2019–NM–189–AD; Amendment 39–19890; AD 2020–07–11]

RIN 2120–AA64

Airworthiness Directives; ATR–GIE Avions de Transport Régional 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 ATR–GIE Avions de Transport Régional Model ATR42 airplanes and Model ATR72 airplanes. This AD was prompted by reports of interference and chafing between a propeller brake hydraulic pipe and an electrical wire bundle bracket screw installed in the underwing box of the right-hand (RH) engine nacelle. This AD requires modification of the electrical wiring routing in the engine nacelles, a one-time detailed visual inspection (DVI) of the propeller brake hydraulic pipe and electrical wire bundle bracket screw head in the underwing box of the RH engine nacelle 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 18, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 18, 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–2019–1075.

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–2019–1075; 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: Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0278, dated November 12, 2019 (''EASA AD 2019–0278'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain ATR–GIE Avions de Transport Régional Model ATR42–200, –300, –320, –400, and –500 airplanes and Model ATR72–101, –102, –201, –202, –211, –212, and –212A airplanes. Model ATR42–400 airplanes are not certified by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain ATR–GIE Avions de Transport Régional Model ATR42 airplanes and Model ATR72 airplanes. The NPRM published in the **Federal Register** on January 17, 2020 (85 FR 2906). The NPRM was prompted by reports of interference and chafing between a propeller brake hydraulic pipe and an electrical wire bundle bracket screw installed in the underwing box of the RH engine nacelle. The NPRM proposed to require modification of the electrical wiring routing in the engine nacelles; a one-time DVI of the propeller brake hydraulic pipe and electrical wire bundle bracket screw head in the underwing box of the RH engine nacelle; and, depending on findings, accomplishment of applicable corrective actions; as specified in an EASA AD.

The FAA is issuing this AD to address hydraulic pipe damage, which could result in hydraulic leakage and a potential fire in a non-fire-resistant area of the RH engine nacelle when the propeller brake is activated or deactivated while the airplane is on the ground. 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 IBR Material Under 1 CFR Part 51

EASA AD 2019–0278 describes procedures for a modification of the electrical wiring routing in the engine nacelles, followed by a one-time DVI of the propeller brake hydraulic pipe and electrical wire bundle bracket screw head in the underwing box of the RH engine nacelle and, depending on findings, accomplishment of applicable corrective actions. Corrective actions include hydraulic pipe replacement and repair. 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 62 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
4 work-hours × $85 per hour = $340	$135	$475	$29,450

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
6 work-hours × $85 per hour = $510	$1,075	$1,585

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):

2020–07–11 ATR—GIE Avions de Transport Régional: Amendment 39–19890; Docket No. FAA–2019–1075; Product Identifier 2019–NM–189–AD.

(a) Effective Date

This AD is effective May 18, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the ATR–GIE Avions de Transport Régional airplanes identified in paragraphs (c)(1) and (2) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2019–0278, dated November 12, 2019 (''EASA AD 2019–0278'').

(1) Model ATR42–200, –300, –320, and –500 airplanes.

(2) Model ATR72–101, –102, –201, –202, –211, –212, and –212A airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 29, Hydraulic power; and 92, Electronic common installation.

(e) Reason

This AD was prompted by reports of interference and chafing between a propeller brake hydraulic pipe and an electrical wire bundle bracket screw installed in the underwing box of the right-hand (RH) engine nacelle. The FAA is issuing this AD to address hydraulic pipe damage, which could result in hydraulic leakage and a potential fire in a non-fire-resistant area of the RH engine nacelle when the propeller brake is activated or deactivated while the airplane is on the ground.

(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 2019–0278.

(h) Exceptions to EASA AD 2019–0278

(1) Where EASA AD 2019–0278 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2019–0278 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2019–0278 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(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 ATR–GIE Avions de Transport Régional's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220; email *shahram.daneshmandi@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2019–0278, dated November 12, 2019.

(ii) [Reserved]

(3) For information about EASA AD 2019–0278, 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–2019–1075.

(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 April 3, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–07648 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–1034; Project Identifier 2018–NE–38–AD; Amendment 39–21109; AD 2020–08–03]

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: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2008–22–24 for certain Rolls-Royce Deutschland Ltd. & Co KG (RRD) RB211–535E4–37, RB211–535E4–B–37, and RB211–535E4–B–75 model turbofan engines. AD 2008–22–24 required initial and repetitive ultrasonic inspections (USIs), both on-wing and during overhaul, to detect cracks on the installed low-pressure compressor (LPC) fan blade roots. AD 2008–22–24 also required re-lubrication of the fan blade roots according to accumulated life cycles. This AD retains the requirements of AD 2008–22–24 and extends these requirements to engines operating under additional flight profiles and adds the RB211–535E4–C–37 model turbofan engines to the applicability of this AD. This AD requires initial and repetitive USIs to detect cracks on the installed LPC fan blade roots, both on-wing and at engine overhaul, and replacement of certain blades that exceed the criteria established by the manufacturer. This AD was prompted by small cracks found in the LPC fan blade roots on the concave root flank during an engine overhaul. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 18, 2020.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 18, 2020.

ADDRESSES: For service information identified in this final rule, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *https://www.rolls-royce.com/contact/civil_team.jsp;* internet: *https://www.aeromanager.com.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA, 01803. For information on the availability of this material at the FAA, call 781–238–7759. It is also available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2018–1034.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2018–1034; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information (MCAI), 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: Scott Stevenson, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA, 01803; phone: 781–238–7132; fax: 781–238–7199; email: scott.m.stevenson@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2008–22–24, Amendment 39–15721 (73 FR 65511, November 4, 2008), (''AD 2008–22–24''). AD 2008–22–24 applied to certain RRD RB211–535E4–37, RB211–535E4–B–37, and RB211–535E4–B–75 model turbofan engines. The NPRM published in the **Federal Register** on May 20, 2019 (84 FR 22738). The NPRM was prompted by small cracks found in the LPC fan blade roots on the concave root flank during an engine overhaul. The NPRM proposed to require retaining the requirements of AD 2008–22–24. The NPRM proposed to extend the requirements to engines operating under additional flight profiles and add the RB211–535E4–C–37 model turbofan engines to the applicability of this AD. The NPRM proposed to require initial and repetitive USIs of LPC fan blade roots on-wing or at engine overhaul to detect cracks, and replacement of blades that exceed the criteria in Rolls-Royce (RR) Alert Non-Modification Service Bulletin (NMSB) RB211–72–AC879, Revision 9, dated April 23, 2018. The FAA is issuing this AD to address the unsafe condition on these products.

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2018–0202R1, dated September 25, 2018 (referred to after this as ''the MCAI''), to address the unsafe condition on these products. The MCAI states:

> During engine overhaul, inspection of a high life set of low pressure compressor (LPC) fan blades revealed small cracks in the blade roots on the concave root flank. These cracks had originated at the edge of bedding from multiple origins. Root cause analysis indicated the cause of the crack initiation to be the absence of the anti-frettage coating.
>
> This condition, if not detected and corrected, could lead to fan blade failure, possibly resulting in release of high energy non-contained debris from the engine, with consequent damage to the aeroplane.
>
> To address this condition, RR issued NMSB RB.211–72–AC879 (original issue, later revised), providing instructions to inspect high life blades, either on-wing or during engine overhaul. Depending on flight profile flown, different inspection intervals were introduced. Consequently, the UK CAA classified that NMSB as mandatory and issued AD 002–01–2000 accordingly, requiring those repetitive inspections.
>
> Since that [UK CAA] AD was issued, it was reported that some engines were operated outside the profiles initially specified, and new flight profiles were introduced to mitigate the risk of overflying the recommended flight profiles. Consequently, the inspection intervals were extended for engines operating within RB211–535E4–B–37 flight profiles C, D and E, and RR issued the NMSB accordingly. Additionally, RR introduced inspection instructions for engines operating within RB211–535E4–C–37 flight profile F and RB211–535E4–37 flight profile G in the NMSB. For the reasons described above, EASA issued AD 2018–0202, retaining the requirements of UK CAA AD 002–01–2000, which was superseded, amending the compliance times and adding repetitive inspections for RB211–535E4–37, RB211–535E4–B–37 and RB211–535E4–C–37 engines operating within flight profiles C, D, E, F and G. That [EASA] AD also provided a modification as optional terminating action for the repetitive inspections.
>
> This [EASA] AD is revised to correct paragraph (1), indicating that only affected fan blades must be inspected.

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–2018–1034.

Comments

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

Request To Correct Typographical Error

RRD requested that the FAA correct the typographical error ''conclave'' to ''concave'' in paragraph (e) of this AD.

The FAA agrees and corrected the typographical error as suggested.

Revised the Name of the Type Certificate (TC) Holder

The FAA determined that the name of the TC design approval used in the NPRM should have been revised to ''Rolls-Royce Deutschland Ltd & Co KG'' to match TCDS Number E12EU, Revision 26, dated April 25, 2019. The FAA has revised references in this AD from ''Rolls-Royce plc'' to ''Rolls-Royce Deutschland Ltd. & Co KG'' when the FAA refers to the name of the TC design approval holder.

Support for the AD

United Airlines agreed with the modified inspection intervals listed in the NPRM.

No Comments on the AD

Boeing Commercial Airplanes commented that it has no comments.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed RR Alert NMSB No. RB.211–72–AC879, Revision 9, dated April 23, 2018, and RR Service Bulletin (SB) RB.211–72–C946, Revision 4, dated June 22, 2010. RR NMSB RB.211–72–AC879 describes procedures for performing inspections of high cyclic life LPC fan blade roots on-wing or at overhaul, and re-lubrication of the LPC fan blade roots during overhaul. RR SB RB.211–72–C946 introduces a revised LPC fan blade featuring a redefined dry film lubricant application. 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 512 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of LPC fan blade set	7 work-hours × $85 per hour = $595	$0	$595	$304,640

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement of LPC fan blade	4 work-hours × $85 per hour = $340	$77,916	$78,256

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 part 39 of the Federal Aviation Regulations (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) 2008–22–24, Amendment 39–15721 (73 FR 65511, November 4, 2008), and adding the following new AD:

2020–08–03 Rolls-Royce Deutschland Ltd & Co KG (Type Certificate Previously Held by Rolls-Royce plc): Amendment 39–21109; Docket No. FAA–2018–1034; Project Identifier 2018–NE–38–AD.

(a) Effective Date

This AD is effective May 18, 2020.

(b) Affected ADs

This AD replaces AD 2008–22–24, Amendment 39–15721 (73 FR 65511, November 4, 2008).

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd. & Co KG (RRD) (Type Certificate previously held by Rolls-Royce plc) RB211–535E4–37, RB211–535E4–B–37, RB211–535E4–C–37, and RB–211–535E4–B–75 model turbofan engines except those with fan blades that have all incorporated Rolls-Royce (RR) Service Bulletin (SB) RB.211–72–C946, Revision 4, dated June 22, 2010 (or any earlier revision).

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by small cracks found in the low-pressure compressor (LPC) fan blade roots on the concave root flank during an engine overhaul. The FAA is issuing this AD to detect cracks in the LPC fan blade roots. The unsafe condition, if not addressed, could result in uncontained LPC fan blade 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

(1) For engine models being used in the flight profiles indicated in Table 1 to paragraph (g)(1) of this AD, perform initial and repetitive ultrasonic inspections (USIs) of the affected fan blades in accordance with the Accomplishment Instructions, paragraphs 3.A., 3.B., and 3.C., of RR Alert Non-Modification Service Bulletin (NMSB) RB211–72–AC879, Revision 9, dated April 23, 2018, as follows:

(i) Perform an initial ultrasonic root or surface wave inspection of each LPC fan blade before exceeding the inspection threshold as indicated in Table 1 to paragraph (g)(1) of this AD, or within 30 days after the effective date of this AD, whichever occurs later.

(ii) Thereafter, perform a repetitive ultrasonic root or surface wave inspection of each LPC fan blade at intervals not to exceed engine flight cycles (EFCs) since the previous inspection using the applicable EFCs specified in Table 1 to paragraph (g)(1) of this AD.

Table 1 to Paragraph (g)(1) – Flight Profile Inspection Intervals

Model	Flight Profile	Initial Inspection Threshold, EFCs Since New	Reinspection Interval; Root Probe Method	Reinspection Interval; Surface Wave Probe Method
535 E4-37	B and G	15,000 EFCs	850 EFCs	700 EFCs
535E4-C-37	F	15,000 EFCs	850 EFCs	700 EFCs
535E4-B-37	E and C	20,000 EFCs	1,200 EFCs	1,000 EFCs
535E4-B-75	All	20,000 EFCs	1,200 EFCs	1,000 EFCs
535E4-37	A	20,000 EFCs	1,400 EFCs	1,150 EFCs
535E4-B-37	D	20,000 EFCs	1,500 EFCs	1,200 EFCs

(2) For engine models that, after the effective date of this AD, change flight profiles, inspect the affected fan blades before exceeding the initial threshold of the new flight profile or reinspection interval, as applicable, or within 200 EFCs after changing flight profiles, whichever occurs later, without exceeding the previous flight profile initial inspection threshold or reinspection interval.

(3) If, during any inspection required by paragraph (g)(1) or (2) of this AD, any crack is found in the affected fan blades that exceeds the criteria in the Accomplishment Instructions, paragraphs 3.A., 3.B., or 3.C., of RR Alert NMSB RB211–72–AC879, Revision 9, dated April 23, 2018, before the next flight, replace the LPC fan blade with a LPC fan blade eligible for installation.

(h) Optional Terminating Action

Modification of any RRD RB211–535E4–37, RB211–535E4–B–37, RB211–535E4–C–37, and RB–211–535E4–B–75 model turbofan engine in accordance with RR SB RB.211–72–C946, Revision 4, dated June 22, 2010, constitutes terminating action to this AD.

(i) Credit for Previous Actions

Any initial USI accomplished before the effective date of this AD that uses RR NMSB No. RB.211–72–C879, Revision 8, dated November 18, 2015, or earlier versions, meets the requirement of the initial inspection, as applicable. Any repetitive USI accomplished before the effective date of this AD that uses RR NMSB No. RB.211–72–C879, Revision 8, dated November 18, 2015, or earlier versions, meets the requirement of that single repetitive inspection, as applicable. Further repetitive inspections, as mandated by paragraph (g) of this AD, are still required.

(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 Scott Stevenson, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA, 01803; phone: 781–238–7132; fax: 781–238–7199; email: *scott.m.stevenson@faa.gov.*

(2) Refer to European Union Aviation Safety Agency (EASA) AD 2018–0202R1, dated September 25, 2018, 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 Docket No. FAA–2018–1034.

(l) Material Incorporated by Reference

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

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

(i) Rolls-Royce (RR) Alert Non-Modification Service Bulletin No. RB.211–72–AC879, Revision 9, dated April 23, 2018.

(ii) RR Service Bulletin RB.211–72–C946, Revision 4, dated June 22, 2010.

(3) For RR service information identified in this AD, contact Rolls-Royce plc, PO Box 31, Derby, England, DE248BJ; telephone: 011–44–1332–242424; fax: 011–44–1332–249936.

(4) You may view this service information at 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.

(5) You may view this service information 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 April 7, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–07675 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0314; Project Identifier AD–2020–00369–E; Amendment 39–21110; AD 2020–07–51]

RIN 2120–AA64

Airworthiness Directives; International Aero Engines AG (IAE) Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain International Aero Engines AG (IAE) V2522–A5, V2524–A5, V2525–D5, V2527–A5, V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, and V2533–A5 model turbofan engines. This emergency AD was sent previously to all known U.S. owners and operators of these engines. This AD requires removal of affected high-pressure turbine (HPT) 1st-stage disks from service. This AD was prompted by investigative findings from an event involving an uncontained failure of a HPT 1st-stage disk that resulted in high-energy debris penetrating the engine cowling. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 28, 2020 to all persons except those persons to whom it was made immediately effective by Emergency AD 2020–07–51, issued on March 21, 2020, which contained the requirements of this amendment.

The FAA must receive comments on this AD by May 28, 2020.

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

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

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0314; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Nicholas J. Paine, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7116; fax: 781–238–7199; Email: *nicholas.j.paine@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On March 21, 2020, the FAA issued Emergency AD 2020–07–51, which requires removal from service of affected HPT 1st-stage disks installed on IAE V2522–A5, V2524–A5, V2525–D5, V2527–A5, V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, and V2533–A5 model turbofan engines. This emergency AD was sent previously to all known U.S. owners and operators of these engines. This action was prompted by investigative findings from an event that occurred on March 18, 2020, in which an Airbus Model A321–231 airplane, powered by IAE V2533–A5 model turbofan engines, experienced an uncontained HPT 1st-stage disk failure that resulted in an aborted takeoff. This condition, if not addressed, could result in uncontained HPT failure, release of high-energy debris, damage to the engine, damage to the airplane, and loss of the airplane.

FAA's Determination

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

AD Requirements

This AD requires removal from service of affected HPT 1st-stage disks installed on IAE V2522–A5, V2524–A5, V2525–D5, V2527–A5, V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, and V2533–A5 model turbofan engines.

Interim Action

The FAA considers this AD interim action. The root cause of this event is still under investigation.

FAA's Justification and Determination of the Effective Date

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5

U.S.C.) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking. Similarly, Section 553(d) of the APA authorizes agencies to make rules effective in less than 30 days, upon a finding of good cause.

An unsafe condition exists that required the immediate adoption of Emergency AD 2020–07–51, issued on March 21, 2020, to all known U.S. owners and operators of these engines. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule. On March 18, 2020, an Airbus Model A321–231 airplane, powered by IAE V2533–A5 model turbofan engines, experienced an uncontained HPT 1st-stage disk failure that resulted in an aborted takeoff. The uncontained failure of the HPT 1st-stage disk resulted in high-energy debris penetrating the engine cowling. This unsafe condition, caused by an uncontained HPT 1st-stage disk failure, may result in loss of the airplane.

The FAA considers removal of the affected HPT 1st-stage disks to be an urgent safety issue. Removal of the affected HPT 1st-stage disks must be accomplished within 5 cycles after the effective date of this AD. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to public interest pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the reasons stated above, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, the FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2020–0314 and Product Identifier AD–2020–00369–E at the beginning of your comments. The FAA specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) 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 AD.

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 AD 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 AD, 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 AD. Submissions containing CBI should be sent to Nicholas J. Paine, 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.

Regulatory Flexibility Act

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

Costs of Compliance

The FAA estimates that this AD affects 2 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor Cost	Parts Cost	Cost per product	Cost on U.S. operators
Remove 1st-stage HPT disk	226 work-hours × $85 per hour = $19,210	$335,690	$354,900	$709,800

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2020–07–51 International Aero Engines AG (IAE): Amendment 39–21110; Docket No. FAA–2020–0314; Project Identifier AD–2020–00369–E.

(a) Effective Date

This AD is effective April 28, 2020 to all persons except those persons to whom it was made immediately effective by Emergency AD 2020–07–51, issued on March 21, 2020, which contained the requirements of this amendment.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all International Aero Engines AG (IAE) V2522–A5, V2524–A5, V2525–D5, V2527–A5, V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, and V2533–A5 model turbofan engines with a high-pressure turbine (HPT) 1st-stage disk, part number (P/N) 2A5001 and serial number PKLBR37442, PKLBR38359, PKLBR73862, PKLBR73289, PKLBR73270, PKLBR38981, PKLBR38661, PKLBR40207, PKLBR37445, PKLBR73861, PKLBR73268, PKLBR38629, PKLBSC8047, or PKLBR38979, installed.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by investigative findings from an event involving an uncontained failure of a HPT 1st-stage disk that resulted in high-energy debris penetrating the engine cowling. The FAA is issuing this AD to prevent failure of the HPT. The unsafe condition, if not addressed, could result in uncontained HPT failure, release of high-energy debris, damage to the engine, damage to the airplane, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

(1) For affected IAE model turbofan engines with an engine serial number and HPT 1st-stage disk serial number listed in Table 1 to paragraph (g)(1) of this AD, within 5 flight cycles after the effective date of this AD, remove the HPT 1st-stage disk from service.

Table 1 to Paragraph (g)(1) of this AD – HPT 1st-Stage Disk with Known Engine Installations

Engine Serial Number	HPT 1st-Stage Disk Serial Number
V10443	PKLBR73268
V10976	PKLBR73270
V11303	PKLBR38359
V11490	PKLBR38979
V12265	PKLBR73289
V15638	PKLBR37445
V15686	PKLBSC8047
V16372	PKLBR73861
V16570	PKLBR38629
V16468	PKLBR38981
V16622	PKLBR73862

(2) For all other affected IAE model turbofan engines, review the engine records within 3 calendar days after the effective date of this AD to determine if an HPT 1st-stage disk with serial number PKLBR37442, PKLBR38661, or PKLBR40207 is installed in the engine. If an affected HPT 1st-stage disk is installed, within 5 flight cycles after this determination, remove the affected HPT 1st-stage disk from service.

(h) Alternative Methods of Compliance (AMOCs)

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

(i) Related Information

For further information about this AD, contact Nicholas J. Paine, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7116; fax: 781–238–7199; Email: *nicholas.j.paine@faa.gov.*

(j) Material Incorporated by Reference

None.

Issued on April 7, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–07627 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0991; Product Identifier 2019–NM–179–AD; Amendment 39–19895; AD 2020–07–16]

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) 2016–16–09 and AD 2019–03–20, which applied to Dassault Aviation Model FALCON 7X airplanes. Those ADs required revising the existing maintenance or inspection program, as applicable, to incorporate new and more restrictive maintenance requirements and airworthiness limitations for airplane structures and systems. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations; as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. 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 18, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 18, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of April 2, 2019 (84 FR 6059, February 26, 2019).

ADDRESSES: For 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 Dassault Aviation material that was previously incorporated by reference, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; internet *https://www.dassaultfalcon.com.*

You may view this 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–2019–0991.

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–2019–0991; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0257, dated October 17, 2019 (''EASA AD 2019–0257'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Dassault Aviation Model FALCON 7X airplanes. EASA AD 2019–0257 supersedes EASA AD 2018–0277, dated December 17, 2018, which in turn superseded EASA AD 2018–0101, dated May 3, 2018 (which corresponds to FAA AD 2019–03–20, Amendment 39–19572 (84 FR 6059, February 26, 2019) (''AD 2019–03–20'')).

Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after June 1, 2019, must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; 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 to supersede AD 2019–03–20 and AD 2016–16–09, Amendment 39–18607 (81 FR 52752, August 10, 2016) (''AD 2016–16–09''). Those ADs applied to Dassault Aviation Model FALCON 7X airplanes. AD 2019–03–20 specified that accomplishing the revision required by paragraph (g) of that AD terminates all requirements of AD 2016–16–09. The NPRM published in the **Federal Register** on December 31, 2019 (84 FR 72251). The NPRM was prompted by the FAA's determination that new or more restrictive airworthiness limitations are necessary. The NPRM proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is issuing this AD to address reduced structural integrity and reduced control of airplanes due to the failure of system components.

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 that comment.

Request To Address Later Revisions of Service Information

Executive Jet Management, Inc. requested that the FAA address later revisions of the service information. The commenter stated it frequently sees a revision that is called out in an AD being outdated by the time an AD becomes effective. The commenter noted it currently has 3 ADs regarding this issue that have reached their effective date that are still pending an alternative method of compliance (AMOC) and another AD that was effective January 24, 2020. The commenter stated this could be a non-issue for some of the ADs as the deadline is within 12 months after the effective date, which provides substantial time to acquire an AMOC. For other ADs however, the commenter noted there is considerably less time as the deadline is 30 days or 90 days after the effective date. The commenter also noted that Chapter 5–40–00, Airworthiness Limitations, DGT 107838, Revision 7, dated August 24, 2018, of the Dassault Falcon 7X Maintenance Manual (MM) has been superseded and the current version is Revision 8, dated June 1, 2019, and asked that it be reflected in the proposed rule.

The commenter stated it understands the FAA's restriction of not being able to use the words ''or later approved revisions'' when writing ADs. The commenter proposed adding wording to an AD that requires operators to be at

''no less than'' a certain airworthiness limitation (AWL), which would allow for full compliance with regulations while streamlining the process for the owner/operator. The commenter stated that this approach would still meet the intent of the proposed AD, without using ''or later approved revisions'' wording.

The FAA acknowledges the commenters' concerns regarding needing AMOCs for later approved revisions of mandated service information. In the FAA's ongoing efforts to improve efficiency of the AD process, the FAA worked with EASA and manufacturers to develop a process to use certain EASA ADs as the primary source of information for compliance with the requirements of corresponding FAA ADs. EASA ADs include the approval of the use of later approved service information for compliance with the applicable requirements. This AD was developed using this process and it refers to EASA AD 2019–0257 as the primary source of information. Therefore, operators are allowed to use the referenced Airworthiness Limitations document (Chapter 5–40–00, Airworthiness Limitations, DGT 107838, Revision 8, dated June 1, 2019, of the Dassault Falcon 7X Maintenance Manual (MM)), or later approved revisions as stated in the EASA AD, to show compliance with this AD, without the use of the AMOC process specified in paragraph (m)(1) of this AD.

Regarding the commenter's request to reference the current revision of the airworthiness limitations, we note that Chapter 5–40–00, Airworthiness Limitations, DGT 107838, Revision 7, dated August 24, 2018, of the Dassault Falcon 7X Maintenance Manual (MM), is only referenced in paragraph (g) of this AD, which is a retained requirement. It is not necessary to reference the current revision in paragraph (g) of this AD because once operators have accomplished paragraph (i) of this AD, then paragraph (g) of this AD is terminated. Paragraph (i) of this AD refers to the MCAI, which refers to Dassault Falcon 7X Aircraft Maintenance Manual, Chapter 5–40, DGT 107838, Revision 8, dated June 1, 2019.

The FAA has not changed this AD regarding this issue.

Clarification of Paragraph (k) of This AD

Once a maintenance or inspection program is revised as required by paragraph (i) of this AD, paragraph (k) of this AD does not allow for the later use of alternative actions or intervals unless these alternative actions or intervals are approved as specified in ''Ref. Publications'' section of EASA AD 2019–0288. In paragraph (k) of the proposed AD, the FAA proposed language using the word ''except.'' To make the language consistent with the language in the ''Ref. Publications'' section of EASA AD 2019–0288, the FAA has changed the wording to ''unless they are approved.''

Clarification of Paragraph (l) of This AD

The FAA has revised paragraph (l) of this AD to reference paragraph (g) of this AD as a terminating action for the requirements of paragraph (q) of AD 2014–16–23, Amendment 39–17947 (79 FR 52545, September 4, 2014) (''AD 2014–16–23''). As specified in AD 2019–03–20, paragraph (g) of that AD is a terminating action for the requirements of paragraph (q) of AD 2014–16–23. Paragraph (g) of this AD is a restatement of paragraph (g) of AD 2019–03–20.

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 as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

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

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0257 describes new or more restrictive maintenance airworthiness limitations for airplane structures and systems.

This AD also requires Chapter 5–40–00, Airworthiness Limitations, DGT 107838, Revision 7, dated August 24, 2018, of the Dassault Falcon 7X Maintenance Manual (MM), which the Director of the Federal Register approved for incorporation by reference as of April 2, 2019 (84 FR 6059, February 26, 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 67 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 2019–03–20 to be $7,650 (90 work-hours × $85 per work-hour).

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. In the past, the agency 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.

The FAA estimates the total cost per operator for the new actions 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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2016–16–09, Amendment 39–18607 (81 FR 52752, August 10, 2016), and AD 2019–03–20, Amendment 39–19572 (84 FR 6059, February 26, 2019), and adding the following new AD:

2020–07–16 Dassault Aviation: Amendment 39–19895; Docket No. FAA–2019–0991; Product Identifier 2019–NM–179–AD.

(a) Effective Date

This AD is effective May 18, 2020.

(b) Affected ADs

(1) This AD replaces AD 2016–16–09, Amendment 39–18607 (81 FR 52752, August 10, 2016) and AD 2019–03–20, Amendment 39–19572 (84 FR 6059, February 26, 2019) (''AD 2019–03–20'').

(2) This AD affects AD 2014–16–23, Amendment 39–17947 (79 FR 52545, September 4, 2014) (''AD 2014–16–23'').

(c) Applicability

This AD applies to Dassault Aviation Model FALCON 7X airplanes, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before June 1, 2019.

Note 1 to paragraph (c): Model FALCON 7X airplanes with modifications M1000 and M1254 incorporated are commonly referred to as ''Model FALCON 8X'' airplanes as a marketing designation.

(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 and reduced control of airplanes due to the failure of system components.

(f) Compliance

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

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

This paragraph restates the requirements of paragraph (g) of AD 2019–03–20, with no changes. Within 90 days after April 2, 2019 (the effective date of AD 2019–03–20), revise the existing maintenance or inspection program, as applicable, by incorporating the information specified in Chapter 5–40–00, Airworthiness Limitations, DGT 107838, Revision 7, dated August 24, 2018, of the Dassault Falcon 7X Maintenance Manual (MM). The initial compliance times for the tasks specified in Chapter 5–40–00, Airworthiness Limitations, DGT 107838, Revision 7, dated August 24, 2018, of the Dassault Falcon 7X MM are at the applicable compliance times specified in Chapter 5–40–00, Airworthiness Limitations, DGT 107838, Revision 7, dated August 24, 2018, of the Dassault Falcon 7X MM, or within 90 days after April 2, 2019, whichever occurs later. Accomplishing the maintenance or inspection program revision required by paragraph (i) of this AD terminates the requirements of this paragraph.

(h) Retained No Alternative Actions, Intervals, or Critical Design Configuration Control Limitations (CDCCLs), With a New Exception

This paragraph restates the requirements of paragraph (i) of AD 2019–03–20, with a new exception. Except as required by paragraph (i) of this AD, after the maintenance or inspection program, as applicable, has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (m)(1) of this AD.

(i) New Maintenance or Inspection Program Revision

Except as specified in paragraph (j) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2019–0257, dated October 17, 2019 (''EASA AD 2019–0257''). Accomplishing the maintenance or inspection program revision required by this paragraph terminates the requirements of paragraph (g) of this AD.

(j) Exceptions to EASA AD 2019–0257

(1) The requirements specified in paragraphs (1) and (2) of EASA AD 2019–0257 do not apply to this AD.

(2) Where paragraph (3) of EASA AD 2019–0257 specifies a compliance time of ''Within 12 months'' after its effective date to ''revise the approved AMP [Aircraft Maintenance Program],'' this AD requires ''revising the existing maintenance or inspection program, as applicable'' to incorporate the ''limitations, tasks and associated thresholds and intervals'' specified in paragraph (3) of EASA AD 2019–0257 within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2019–0257 is at the applicable ''associated thresholds'' specified in paragraph (3) of EASA AD 2019–0257, or within 90 days after the effective date of this AD, whichever occurs later.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2019–0257 do not apply to this AD.

(5) The ''Remarks'' section of EASA AD 2019–0257 does not apply to this AD.

(k) New Provisions for Alternative Actions, Intervals, and CDCCLs

After the maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (*e.g.,* inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2019–0257.

(l) Terminating Action for Certain Requirements in AD 2014–16–23

Accomplishing the actions required by paragraphs (g) or (i) of this AD terminates the requirements of paragraph (q) of AD 2014–16–23.

(m) 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 (n) 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 Dassault Aviation'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 2019–0257 that contains RC procedures and tests: Except as required by paragraph (m)(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.

(n) Related Information

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

(o) 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 18, 2020.

(i) European Union Aviation Safety Agency (EASA) AD 2019–0257, dated October 17, 2019.

(ii) [Reserved]

(4) The following service information was approved for IBR on April 2, 2019 (84 FR 6059, February 26, 2019).

(i) Chapter 5–40–00, Airworthiness Limitations, DGT 107838, Revision 7, dated August 24, 2018, of the Dassault Falcon 7X Maintenance Manual (MM).

(ii) [Reserved]

(5) For information about EASA AD 2019–0257, 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.*

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

(7) 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–2019–0991.

(8) 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 April 3, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–07646 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0859; Product Identifier 2019–NM–114–AD; Amendment 39–19893; AD 2020–07–14]

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 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. This AD was prompted by fuel system reviews conducted by the manufacturer indicating that the existing bond path design provides insufficient bond resistance margin between the fuel pump motor/impeller and structure. This AD requires replacement of the bonding jumpers on the auxiliary power unit (APU) fuel pump. This AD also requires, for certain airplanes, installation of a second bonding jumper; an inspection of the override/jettison fuel pumps and transfer/jettison fuel pumps to determine if the bonding jumper has a one-piece braid or two-piece braid and replacement of the bonding jumper if necessary; and replacement of the bonding jumper on the electrical scavenge fuel pump. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 18, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 18, 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–2019–0859.

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–2019–0859; 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: Jeffrey Rothman, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3558; email: *jeffrey.rothman@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 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. The NPRM published in the **Federal Register** on November 8, 2019 (84 FR 60351). The NPRM was prompted by fuel system reviews conducted by the manufacturer indicating that the existing bond path design provides insufficient bond resistance margin between the fuel pump motor/impeller and structure. The NPRM proposed to require replacement of the bonding jumpers on the APU fuel pump. The NPRM also proposed to require, for certain airplanes, installation of a second bonding jumper; an inspection of the override/jettison fuel pumps and transfer/jettison fuel pumps to determine if the bonding jumper has a one-piece braid or two-piece braid and replacement of the bonding jumper if necessary; and replacement of the bonding jumper on the electrical scavenge fuel pump.

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) and Boeing indicated support for the NPRM. An anonymous commenter also indicated support for the NPRM. Two other commenters, Patrick Imperatrice and Gaganjyot Arora, stated that they supported the NPRM.

Request To Clarify Requirements for Certain Airplanes

Lufthansa Technik AG on behalf of Lufthansa German Airlines requested that the FAA add a note to the proposed AD to clarify the requirements for airplanes on which BMS 10–20 was not used while accomplishing Boeing Service Bulletin 747–28–2228, dated November 4, 1999 (Boeing Service Bulletin 747–28–2228, Revision 1, dated September 27, 2001, is referred to as the appropriate source of service information for accomplishing the proposed actions.). Lufthansa Technik AG asked that the FAA consider whether an airplane on which Boeing Service Bulletin 747–28–2228, dated November 4, 1999, was accomplished without using BMS 10–20 is in compliance with the proposed AD.

The FAA agrees to clarify the requirements. Boeing Service Bulletin 747–28–2228, Revision 1, dated September 27, 2001, specifies it is necessary to rebond the bonding jumper if BMS 10–20 was applied on the mating surfaces between the bonding jumper and rear spar while accomplishing Boeing Service Bulletin 747–28–2228, dated November 4, 1999. However, Boeing Service Bulletin 747–28–2228, dated November 4, 1999, specifies limits to the bonding resistance values between the pump housing and rear spar structure. Complying with those bonding resistance values is required to address the unsafe condition, regardless of whether or not BMS 10–20 was applied. These bonding resistance limits were unchanged between Boeing Service Bulletin 747–28–2228, dated November 4, 1999, and Boeing Service Bulletin 747–28–2228, Revision 1, dated September 27, 2001. Therefore, credit can be given if it can be conclusively determined that all bonding resistance limits specified in Boeing Service Bulletin 747–28–2228, Revision 1, dated September 27, 2001, have been met. The FAA has added paragraph (i) to this AD to provide this credit and reidentified subsequent paragraphs 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.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Service Bulletin 747–28–2228, Revision 1, dated September 27, 2001. This service information describes procedures for a replacement of the bonding jumpers on the APU fuel pump; an inspection of the six override/jettison fuel pumps and of the two transfer/jettison fuel pumps to determine if the bonding jumper has a one-piece braid or two-piece braid, and replacement of the existing bonding jumper if the bonding jumper has a one-piece braid; installation of a second bonding jumper; and replacement of the bonding jumper on the electrical scavenge fuel pump. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Relevant Rulemaking

Boeing Service Bulletin 747–28–2228, Revision 1, dated September 27, 2001, identifies ''Boeing Service Bulletin 747–28–2033'' as a concurrent requirement for certain airplanes. Boeing Alert Service Bulletin 747–28A2033, Revision 1, dated December 18, 2003, is the appropriate source of service information for accomplishing the installation required by AD 2005–01–07, Amendment 39–13931 (70 FR 1336, January 7, 2005) (''AD 2005–01–07''). The compliance time for accomplishing the installation required by AD 2005–01–07 has already passed; therefore, it is not necessary to include Boeing Alert Service Bulletin 747–28A2033 as a concurrent requirement in this AD. The FAA issued AD 2005–01–07 to ensure adequate electrical bonding between the housing of each fuel pump and airplane structure outside the fuel tanks. Inadequate electrical bonding, in the event of a lightning strike or fuel pump electrical fault, could cause electrical arcing and ignition of fuel vapor in the wing fuel tank, which could result in a fuel tank explosion.

Costs of Compliance

The FAA estimates that this AD affects 74 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement, Installation, and Inspection.	Up to 15 work-hours × $85 per hour = Up to $1,275.	Up to $2,000	Up to $3,275	Up to $242,350.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	Up to 6 work-hours × $85 per hour = Up to $510.	Up to $950	Up to $1,460.

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):

2020–07–14 The Boeing Company: Amendment 39–19893; Docket No. FAA–2019–0859; Product Identifier 2019–NM–114–AD.

(a) Effective Date

This AD is effective May 18, 2020.

(b) Affected ADs

None.

(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, line numbers (L/Ns) 1 through 1229 inclusive.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by fuel system reviews conducted by the manufacturer indicating that the existing bond path design provides insufficient bond resistance margin between the fuel pump motor/impeller and structure. The FAA is issuing this AD to address insufficient bond resistance margin between the fuel pump motor/impeller and structure. In the event of a fuel pump electrical fault, this condition might cause arcs at the existing fuel pump/tank interfaces and an ignition of fuel vapor in the wing fuel tank, which could result in a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

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

(g) Definitions

The definitions specified in paragraphs (g)(1) through (4) of this AD apply.

(1) Group 1 airplanes: L/Ns 1 through 167 inclusive.

(2) Group 2 airplanes: L/Ns 168 through 971 inclusive.

(3) Group 3 airplanes: L/Ns 972 through 1161 inclusive.

(4) Group 4 airplanes: L/Ns 1162 through 1229 inclusive.

(h) Replacement, Installation, and Inspection

Within 60 months after the effective date of this AD, do the applicable actions specified in paragraphs (h)(1) through (4) of this AD, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–28–2228, Revision 1, dated September 27, 2001.

(1) For Groups 1, 2, and 3 airplanes: Do the actions specified in paragraphs (h)(1)(i) and (ii) of this AD.

(i) Do a general visual inspection of the six override/jettison fuel pumps to determine if the bonding jumper has a one-piece braid or two-piece braid. If the bonding jumper has a one-piece braid, within 60 months after the effective date of this AD, replace the existing bonding jumper.

(ii) Install a second bonding jumper.

(2) For Groups 1, 2, and 3 airplanes with horizontal stabilizer fuel tanks: Do the actions specified in paragraphs (h)(2)(i) and (ii) of this AD.

(i) Do a general visual inspection of the two transfer/jettison fuel pumps to determine if the bonding jumper has a one-piece braid or a two-piece braid. If the bonding jumper has a one-piece braid, within 60 months after the effective date of this AD, replace the existing bonding jumper.

(ii) Install a second bonding jumper.

(3) For all airplanes: Replace the bonding jumpers on the auxiliary power unit (APU) fuel pump.

(4) For Groups 1 and 2 airplanes: Replace the bonding jumper on the electrical scavenge fuel pump.

(i) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Service Bulletin 747–28–2228, dated November 4, 1999, provided it can conclusively be determined that all bonding resistance values specified in Boeing Service Bulletin 747–28–2228, Revision 1, dated September 27, 2001, have been met.

(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) 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.

(k) Related Information

For more information about this AD, contact Jeffrey Rothman, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3558; email: *jeffrey.rothman@faa.gov.*

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this

paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

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

(i) Boeing Service Bulletin 747–28–2228, Revision 1, dated September 27, 2001.

(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 April 3, 2020.

Gaetano A. Sciortino,

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

[FR Doc. 2020–07645 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2019–0985; Product Identifier 2019–NM–183–AD; Amendment 39–19891; AD 2020–07–12]

RIN 2120–AA64

Airworthiness Directives; ATR—GIE Avions de Transport Régional 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 ATR—GIE Avions de Transport Régional Model ATR42–500 airplanes. This AD was prompted by a report of interference between bonding braid screws and pitch tab control rods on the ATR final assembly line. This AD requires an inspection of the bonding braid screws for proper installation, a detailed inspection for damage to the pitch tab control rods if necessary, and replacement of the pitch tab control rods 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 18, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 18, 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–2019–0985.

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–2019–0985; 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: Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220.

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2019–0262, dated October 22, 2019 (''EASA AD 2019–0262'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain ATR—GIE Avions de Transport Régional Model ATR42–500 airplanes.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain ATR—GIE Avions de Transport Régional Model ATR42–500 airplanes. The NPRM published in the **Federal Register** on December 19, 2019 (84 FR 69662). The NPRM was prompted by a report of interference between bonding braid screws and pitch tab control rods on the ATR final assembly line. The NPRM proposed to require an inspection of the bonding braid screws for proper installation, a detailed inspection for damage to the pitch tab control rods if necessary, and replacement of the pitch tab control rods if necessary.

The FAA is issuing this AD to address interference between bonding braid screws and pitch tab control rods, which could lead to failure of the rods and tab disconnection, possibly resulting in reduced control of the airplane. See the MCAI for additional background information.

Comments

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

Request To Allow Credit for Work Done Using Alternative Service Information

Silver Airways requested credit for accomplishment of the proposed requirements on its current fleet of affected ATR42 airplanes using alternative service information, *i.e.,* by accomplishment of ATR All Operator Message (AOM) 2019/09, Issue 2, and compliance with ATR Service Bulletin ATR42–27–0112, dated August 6, 2019, referencing EASA AD 2019–0262.

The FAA disagrees with the request because the commenter provided no justification. The FAA has determined that in order to address the identified unsafe condition, operators must comply with the requirements of EASA AD 2019–0262, except as specified in paragraph (h) of this AD. EASA AD 2019–0262 specifies only ATR Service Bulletin ATR42–27–0112 for compliance actions, and it does not specify an AOM. However, under the provisions of paragraph (j) of this AD, the FAA will consider requests for approval to use alternative service information if sufficient data are submitted to substantiate that the actions specified in the alternative service information would provide an acceptable level of safety. The FAA has not changed this AD with regard to this request.

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 as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

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

Related IBR Material Under 1 CFR Part 51

EASA AD 2019–0262 describes procedures for inspecting the bonding braid screws for proper installation, doing a detailed inspection for damage of the pitch tab control rods, and replacing the pitch tab control rods. 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 3 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	$255

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
1 work-hour × $85 per hour = $85	$11,940	$12,025

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):

2020–07–12 ATR—GIE Avions de Transport Régional: Amendment 39–19891; Docket No. FAA–2019–0985; Product Identifier 2019–NM–183–AD.

(a) Effective Date

This AD is effective May 18, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to ATR—GIE Avions de Transport Régional Model ATR42–500 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2019–0262, dated October 22, 2019 (''EASA AD 2019–0262'').

(d) Subject

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

(e) Reason

This AD was prompted by a report of interference between bonding braid screws and pitch tab control rods on the ATR final assembly line. The FAA is issuing this AD to address interference between bonding braid screws and pitch tab control rods, which could lead to failure of the rods and tab disconnection, possibly resulting in reduced control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and

compliance times specified in, and in accordance with, EASA AD 2019–0262.

(h) Exceptions to EASA AD 2019–0262

(1) Where EASA AD 2019–0262 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2019–0262 does not apply to this AD.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2019–0262 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(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 ATR—GIE Avions de Transport Régional's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(k) Related Information

For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2019–0262, dated October 22, 2019.

(ii) [Reserved]

(3) For information about EASA AD 2019–0262, 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–2019–0985.

(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 April 3, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–07647 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0012; Airspace Docket No. 19–AWP–86]

RIN 2120–AA66

Establishment of Class E Airspace; Owyhee, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace, extending upward from 700 feet or more above the surface, at Owyhee Airport, Owyhee, NV. Class E airspace facilitates the airport's transition from visual flight rules to instrument flight rules (IFR) operations. The airspace, to the extent possible, contains IFR arrival and departure procedures at the airport. The first area extends upward from 700 feet above the surface. The second area extends upward from 1,200 feet above the surface.

DATES: Effective 0901 UTC, July 16, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Owyhee Airport, Owyhee, NV, to ensure the safety and management of Instrument Flight Rules (IFR) operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 5348; January 30, 2020) for Docket No. FAA–2020–0012 to establish Class E airspace at Owyhee Airport, Owyhee, NV. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E5 airspace designations are published in paragraph 6005 of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019,

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

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet or more above the surface at the Owyhee Airport, Owyhee, NV. The establishment of airspace supports the airport's transition from VFR to IFR operations. Specifically, to the extent possible, it will contain IFR departures until reaching 1,200 feet above the surface and IFR arrivals descending below 1,500 feet above the surface.

The first airspace area extends upward from 700 feet above the surface within a 6.5-mile radius of the airport, and within 2 miles each side of the 241° bearing from the airport, extending from the 6.5-mile radius to 9.4 miles southwest of the Owyhee Airport.

The second proposed airspace area extends upward from 1,200 feet above the surface within a 15-mile radius of the Owyhee Airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

AWP NV E5 Owyhee, NV [New]

Owyhee Airport, NV

(Lat. 41°57′13″ N, long. 116°10′55″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the airport, and within 2.0 miles each side of the 241° bearing from the airport, extending from the 6.5-mile radius to 9.4 miles southwest of the airport; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Owyhee Airport.

Issued in Seattle, Washington, on April 7, 2020.

Shawn M. Kozica,

Group Manager, Western Service Center, Operations Support Group.

[FR Doc. 2020–07694 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31303; Amdt. No. 3897]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 13, 2020. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 13, 2020.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73169. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on March 20, 2020.

Rick Domingo,

Executive Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 23 April 2020

Truckee, CA, Truckee-Tahoe, RNAV (GPS) RWY 20, Amdt 1A
Saluda, VA, Hummel Field, Takeoff Minimums and Obstacle DP, Amdt 2

Effective 21 May 2020

Anaktuvuk Pass, AK, Anaktuvuk Pass, AKUMY FOUR, Graphic DP
Anaktuvuk Pass, AK, Anaktuvuk Pass, NDB–B, Amdt 1A, CANCELLED
Anaktuvuk Pass, AK, Anaktuvuk Pass, RNAV (GPS)-A, Amdt 2
Anaktuvuk Pass, AK, Anaktuvuk Pass, Takeoff Minimums and Obstacle DP, Amdt 2
Batesville, AR, Batesville Rgnl, Takeoff Minimums and Obstacle DP, Amdt 3B
Lodi, CA, Lodi, RNAV (GPS)-B, Orig-B
Lakeland, FL, Lakeland Linder Intl, ILS OR LOC RWY 9, ILS RWY 9 (SA CAT I), ILS RWY 9 (SA CAT II), Amdt 1
Orlando, FL, Orlando Intl, ILS OR LOC RWY 17L, ILS RWY 17L (SA CAT I), ILS RWY 17L (CAT II), ILS RWY 17L (CAT III), Amdt 3
Orlando, FL, Orlando Intl, ILS OR LOC RWY 35R, ILS RWY 35R (SA CAT I), ILS RWY 35R (CAT II), ILS RWY 35R (CAT III), Amdt 4
Monroe, GA, CY Nunnally Memorial, Takeoff Minimums and Obstacle DP, Amdt 1A
Sandersville, GA, Kaolin Field, RNAV (GPS) RWY 13, Amdt 3
Sandersville, GA, Kaolin Field, RNAV (GPS) RWY 31, Amdt 3
Sandersville, GA, Kaolin Field, Takeoff Minimums and Obstacle DP, Amdt 3
Clinton, IA, Clinton Muni, RNAV (GPS) RWY 32, Amdt 1B

Perry, IA, Perry Muni, RNAV (GPS) RWY 14, Orig-B
Sioux City, IA, Sioux Gateway/Brig Gen Bud Day Field, RNAV (GPS) RWY 13, Orig-F
Sioux City, IA, Sioux Gateway/Brig Gen Bud Day Field, RNAV (GPS) RWY 31, Orig-H
Sioux City, IA, Sioux Gateway/Brig Gen Bud Day Field, VOR OR TACAN RWY 13, Amdt 18D, CANCELLED
Chicago, IL, Chicago O'Hare Intl, ILS OR LOC RWY 4R, ILS RWY 4R (SA CAT I), ILS RWY 4R (SA CAT II), Amdt 8A
Clay Center, KS, Clay Center Muni, RNAV (GPS) RWY 17, Amdt 1
Clay Center, KS, Clay Center Muni, RNAV (GPS) RWY 35, Amdt 1
Rangeley, ME, Stephen A Bean Muni, NDB–A, Amdt 5, CANCELLED
Rangeley, ME, Stephen A Bean Muni, RNAV (GPS)-D, Amdt 1
Rangeley, ME, Stephen A Bean Muni, Takeoff Minimums and Obstacle DP, Amdt 1A
Ada/Twin Valley, MN, Norman County Ada/Twin Valley, RNAV (GPS) RWY 33, Orig-B
Baudette, MN, Baudette Intl, ILS OR LOC RWY 30, Amdt 1
Bigfork, MN, Bigfork Muni, RNAV (GPS) RWY 33, Orig-E
Long Prairie, MN, Todd Field, RNAV (GPS) RWY 34, Amdt 3
Long Prairie, MN, Todd Field, Takeoff Minimums and Obstacle DP, Amdt 1
Longville, MN, Longville Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Rochester, MN, Rochester Intl, COPTER ILS Y OR LOC Y RWY 31, Amdt 3A
Rochester, MN, Rochester Intl, ILS Z OR LOC Z RWY 31, ILS Z RWY 31 (SA CAT I), ILS Z RWY 31 (SA CAT II), Amdt 23A
Kansas City, MO, Charles B Wheeler Downtown, ILS OR LOC RWY 3, Amdt 5A
Natchez, MS, Hardy-Anders Field Natchez-Adams County, ILS OR LOC RWY 13, Amdt 2B
Natchez, MS, Hardy-Anders Field Natchez-Adams County, RNAV (GPS) RWY 13, Amdt 1B
Natchez, MS, Hardy-Anders Field Natchez-Adams County, RNAV (GPS) RWY 18, Amdt 1B
Natchez, MS, Hardy-Anders Field Natchez-Adams County, RNAV (GPS) RWY 31, Amdt 1C
Natchez, MS, Hardy-Anders Field Natchez-Adams County, VOR RWY 18, Amdt 11
Hardin, MT, Big Horn County, RNAV (GPS) RWY 26, Orig
Hardin, MT, Big Horn County, Takeoff Minimums and Obstacle DP, Orig
Berlin, NH, Berlin Rgnl, RNAV (GPS) RWY 18, Orig-B
Berlin, NH, Berlin Rgnl, Takeoff Minimums and Obstacle DP, Amdt 2
Berlin, NH, Berlin Rgnl, VOR/DME RWY 18, Amdt 2A, CANCELLED
New York, NY, John F Kennedy Intl, ILS OR LOC RWY 4L, Amdt 11D
New York, NY, John F Kennedy Intl, ILS OR LOC RWY 4R, ILS RWY 4 (CAT II), ILS RWY 4R (CAT III), Amdt 30B
New York, NY, John F Kennedy Intl, ILS OR LOC RWY 31L, Amdt 11B
New York, NY, John F Kennedy Intl, ILS OR LOC RWY 31R, Amdt 16B
New York, NY, John F Kennedy Intl, RNAV (GPS) RWY 22R, Amdt 1G
New York, NY, John F Kennedy Intl, RNAV (GPS) Y RWY 4L, Amdt 3B
New York, NY, John F Kennedy Intl, RNAV (GPS) Y RWY 4R, Amdt 2B
New York, NY, John F Kennedy Intl, RNAV (GPS) Y RWY 13R, Orig-A
New York, NY, John F Kennedy Intl, RNAV (GPS) Y RWY 22L, Amdt 1F
New York, NY, John F Kennedy Intl, RNAV (GPS) Y RWY 31L, Amdt 2B
New York, NY, John F Kennedy Intl, RNAV (GPS) Y RWY 31R, Amdt 2C
New York, NY, John F Kennedy Intl, VOR RWY 4L, Amdt 1B
New York, NY, John F Kennedy Intl, VOR RWY 4R, Orig-B
New York, NY, John F Kennedy Intl, VOR RWY 22L, Amdt 4F
Philadelphia, PA, Philadelphia Intl, RNAV (GPS) RWY 35, Amdt 5
Commerce, TX, Commerce Muni, RNAV (GPS) RWY 36, Orig-D
Fort Worth, TX, Kenneth Copeland, RNAV (GPS) RWY 17, Orig-A
Fort Worth, TX, Kenneth Copeland, RNAV (GPS) RWY 35, Orig-A
Mineola/Quitman, TX, Wood County—Collins Fld, RNAV (GPS) RWY 18, Orig-C
Mineola/Quitman, TX, Wood County—Collins Fld, RNAV (GPS) RWY 36, Orig-D
Mineola/Quitman, TX, Wood County—Collins Fld, Takeoff Minimums and Obstacle DP, Amdt 1A
Mineola/Quitman, TX, Wood County—Collins Fld, VOR/DME–B, Amdt 2A, CANCELLED
Mount Vernon, TX, Franklin County, RNAV (GPS) RWY 31, Orig-B
Ogden, UT, Ogden-Hinckley, RNAV (GPS) RWY 3, Amdt 1B
Newport, VT, Northeast Kingdom Intl, RNAV (GPS) RWY 36, Amdt 1B
Huntington, WV, Tri-State/Milton J Ferguson Field, ILS OR LOC RWY 12, Amdt 15
Huntington, WV, Tri-State/Milton J Ferguson Field, ILS OR LOC RWY 30, Amdt 8
Huntington, WV, Tri-State/Milton J Ferguson Field, RNAV (GPS) RWY 30, Amdt 2

[FR Doc. 2020–07614 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31304; Amdt. No. 3898]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 13, 2020. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 13, 2020.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;
2. The FAA Air Traffic Organization Service Area in which the affected airport is located;
3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. 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.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg 29 Room 104, Oklahoma City, OK 73169. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on March 20, 2020.

Rick Domingo,

Executive Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC Date	Subject
23–Apr–20	TX	Fort Worth	Fort Worth Meacham Intl	0/1186	3/3/20	This NOTAM, published in Docket No. 31302, Amdt No. 3896, TL 20–09 (85 FR 16240; March 23, 2020), is hereby rescinded in its entirety.
23–Apr–20	FL	Fort Pierce	Treasure Coast Intl	0/1228	3/3/20	This NOTAM, published in Docket No. 31302, Amdt No. 3896, TL 20–09 (85 FR 16240; March 23, 2020), is hereby rescinded in its entirety.
23–Apr–20	FL	Fort Pierce	Treasure Coast Intl	0/1229	3/3/20	This NOTAM, published in Docket No. 31302, Amdt No. 3896, TL 20–09 (85 FR 16240; March 23, 2020), is hereby rescinded in its entirety.

AIRAC date	State	City	Airport	FDC No.	FDC Date	Subject
23–Apr–20	FL	Fort Pierce	Treasure Coast Intl	0/1230	3/3/20	This NOTAM, published in Docket No. 31302, Amdt No. 3896, TL 20–09 (85 FR 16240; March 23, 2020), is hereby rescinded in its entirety.
23–Apr–20	FL	Fort Pierce	Treasure Coast Intl	0/1231	3/3/20	This NOTAM, published in Docket No. 31302, Amdt No. 3896, TL 20–09 (85 FR 16240; March 23, 2020), is hereby rescinded in its entirety.
23–Apr–20	MN	Rochester	Rochester Intl	0/5079	2/19/20	This NOTAM, published in Docket No. 31302, Amdt No. 3896, TL 20–09 (85 FR 16240; March 23, 2020), is hereby rescinded in its entirety.
23–Apr–20	IN	La Porte	La Porte Muni	0/7323	2/21/20	This NOTAM, published in Docket No. 31302, Amdt No. 3896, TL 20–09 (85 FR 16240; March 23, 2020), is hereby rescinded in its entirety.
23–Apr–20	NE	Holdrege	Brewster Field	0/2149	3/5/20	VOR–A, Amdt 3A.
23–Apr–20	KS	Pittsburg	Atkinson Muni	0/2778	3/5/20	RNAV (GPS) RWY 4, Amdt 1E.
23–Apr–20	KS	Pittsburg	Atkinson Muni	0/2779	3/5/20	VOR/DME RWY 4, Amdt 3E.
23–Apr–20	MD	Westminster	Clearview Airpark	0/2781	3/5/20	RNAV (GPS) RWY 14, Amdt 1B.
23–Apr–20	VA	Richmond	Richmond Intl	0/2803	3/5/20	VOR RWY 20, Amdt 1B.
23–Apr–20	NY	Binghamton	Greater Binghamton/Edwin A Link Field.	0/2877	3/5/20	RNAV (GPS) RWY 34, Amdt 1.
23–Apr–20	IL	Centralia	Centralia Muni	0/2884	3/5/20	VOR–A, Amdt 1.
23–Apr–20	NH	Lebanon	Lebanon Muni	0/3496	3/6/20	RNAV (GPS) RWY 7, Orig-E.
23–Apr–20	NH	Lebanon	Lebanon Muni	0/3502	3/6/20	RNAV (GPS) RWY 36, Orig-C.
23–Apr–20	NH	Lebanon	Lebanon Muni	0/3524	3/6/20	VOR RWY 25, Amdt 1B.
23–Apr–20	FL	Palm Coast	Flagler Executive	0/3660	2/26/20	Takeoff Minimums and Obstacle DP, Amdt 2.
23–Apr–20	MT	West Yellowstone	Yellowstone	0/3776	3/10/20	ILS OR LOC RWY 1, Amdt 4.
23–Apr–20	MT	West Yellowstone	Yellowstone	0/3780	3/10/20	RNAV (GPS) RWY 1, Orig-A.
23–Apr–20	MT	West Yellowstone	Yellowstone	0/3781	3/10/20	NDB RWY 1, Amdt 4.
23–Apr–20	LA	Lafayette	Lafayette Rgnl/Paul Fournet Field.	0/4521	3/10/20	RNAV (GPS) RWY 22L, Amdt 1C.
23–Apr–20	LA	Lafayette	Lafayette Rgnl/Paul Fournet Field.	0/4525	3/10/20	VOR/DME RWY 11, Amdt 1F.
23–Apr–20	LA	Lafayette	Lafayette Rgnl/Paul Fournet Field.	0/4526	3/10/20	ILS OR LOC RWY 4R, Amdt 2E.
23–Apr–20	LA	Lafayette	Lafayette Rgnl/Paul Fournet Field.	0/4534	3/10/20	ILS OR LOC RWY 22L, Amdt 5D.
23–Apr–20	NV	Las Vegas	McCarran Intl	0/4574	3/10/20	VOR/DME–A, Orig-D.
23–Apr–20	TN	Nashville	Nashville Intl	0/4582	3/11/20	RNAV (GPS) RWY 13, Amdt 1.
23–Apr–20	MO	Butler	Butler Memorial	0/4635	3/11/20	VOR–A, Amdt 5.
23–Apr–20	MA	Vineyard Haven	Martha's Vineyard	0/4638	3/10/20	ILS OR LOC RWY 24, Amdt 3B.
23–Apr–20	VT	Burlington	Burlington Intl	0/4648	3/11/20	ILS OR LOC/DME RWY 33, Amdt 1B.
23–Apr–20	VT	Burlington	Burlington Intl	0/4660	3/11/20	RNAV (GPS) RWY 1, Orig-B.
23–Apr–20	CA	Hawthorne	Jack Northrop Field/Hawthorne Muni.	0/4671	3/11/20	VOR RWY 25, Amdt 16
23–Apr–20	IN	Sheridan	Sheridan	0/4769	3/11/20	GPS RWY 23, Orig-A.
23–Apr–20	IN	Sheridan	Sheridan	0/4770	3/11/20	GPS RWY 5, Orig-A.
23–Apr–20	IA	Marshalltown	Marshalltown Muni	0/4970	3/11/20	VOR RWY 13, Amdt 2.
23–Apr–20	IA	Marshalltown	Marshalltown Muni	0/4992	3/11/20	VOR RWY 31, Amdt 2.
23–Apr–20	TX	Houston	Sugar Land Rgnl	0/5193	3/11/20	RNAV (GPS) RWY 17, Amdt 2A.
23–Apr–20	TX	Houston	Sugar Land Rgnl	0/5194	3/11/20	RNAV (GPS) RWY 35, Amdt 2A.

[FR Doc. 2020–07612 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

Docket No. 31305; Amdt. No. 3899]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 13, 2020. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 13, 2020.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29 Room 104, Oklahoma City, OK 73169. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial

number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on April 3, 2020.

Rick Domingo,

Executive Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 21 May 2020

Fort Smith, AR, Fort Smith Rgnl, ILS OR LOC RWY 7, Amdt 1
Fort Smith, AR, Fort Smith Rgnl, ILS OR LOC RWY 25, Amdt 22
Fort Smith, AR, Fort Smith Rgnl, NDB RWY 25, Amdt 24F, CANCELLED
Denver, CO, Centennial, ILS OR LOC RWY 35R, Amdt 11
Denver, CO, Centennial, RNAV (GPS) RWY 35R, Amdt 1
Lamar, CO, Southeast Colorado Rgnl, Takeoff Minimums and Obstacle DP, Orig-B
Greenfield, IA, Greenfield Muni, RNAV (GPS) RWY 25, Amdt 1A
Chicago, IL, Chicago O'Hare Intl, ILS OR LOC RWY 4R, ILS RWY 4R (SA CAT I), ILS RWY 4R (SA CAT II), Amdt 8A
Detroit Lakes, MN, Detroit Lakes-Wething Field, RNAV (GPS) RWY 13, Amdt 1A
Detroit Lakes, MN, Detroit Lakes-Wething Field, RNAV (GPS) RWY 31, Amdt 1A
Park Rapids, MN, Park Rapids Muni-Konshok Field, RNAV (GPS) RWY 13, Amdt 1
Park Rapids, MN, Park Rapids Muni-Konshok Field, RNAV (GPS) RWY 31, Orig-D
Park Rapids, MN, Park Rapids Muni-Konshok Field, VOR RWY 13, Amdt 9B, CANCELLED
Crosby, ND, Crosby Muni, RNAV (GPS) RWY 30, Orig-B
Pender, NE, Pender Muni, RNAV (GPS) RWY 15, Orig-D
Pender, NE, Pender Muni, RNAV (GPS) RWY 33, Orig-D
Wayne, NE, Wayne Muni/Stan Morris Fld, RNAV (GPS) RWY 18, Amdt 2B
Wayne, NE, Wayne Muni/Stan Morris Fld, RNAV (GPS) RWY 23, Amdt 1B
Wayne, NE, Wayne Muni/Stan Morris Fld, RNAV (GPS) RWY 36, Amdt 2C
Princeton/Rocky Hill, NJ, Princeton, RNAV (GPS) RWY 10, Amdt 2
Watertown, SD, Watertown Rgnl, ILS OR LOC RWY 35, Amdt 11B
Grantsburg, WI, Grantsburg Muni, RNAV (GPS) RWY 12, Orig-B
Grantsburg, WI, Grantsburg Muni, RNAV (GPS) RWY 30, Orig-C
Morgantown, WV, Morgantown Muni—Walter L Bill Hart Field, Takeoff Minimums and Obstacle DP, Amdt 6A

[FR Doc. 2020–07607 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31306; Amdt. No. 3900]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective April 13, 2020. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 13, 2020.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. 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.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73169. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary.

This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This

amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on April 3, 2020.

Rick Domingo,

Executive Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
21–May–20	TX	Lubbock	Lubbock Preston Smith Intl.	0/0276	3/24/20	RNAV (GPS) Y RWY 35L, Amdt 2B.
21–May–20	TX	Lubbock	Lubbock Preston Smith Intl.	0/0277	3/24/20	LOC BC RWY 35L, Amdt 19.
21–May–20	TX	Lubbock	Lubbock Preston Smith Intl.	0/0278	3/24/20	RNAV (RNP) Z RWY 35L, Orig-C.
21–May–20	OK	Lawton	Lawton–Fort Sill Rgnl	0/0443	3/13/20	RNAV (GPS) RWY 35, Amdt 1A.
21–May–20	OK	Lawton	Lawton–Fort Sill Rgnl	0/0444	3/13/20	ILS OR LOC RWY 35, Amdt 8.
21–May–20	OK	Lawton	Lawton–Fort Sill Rgnl	0/0445	3/13/20	VOR RWY 35, Amdt 21.
21–May–20	MO	Brookfield	North Central Missouri Rgnl.	0/0853	3/17/20	RNAV (GPS) RWY 36, Amdt 2B.
21–May–20	LA	Galliano	South Lafourche Leonard Miller Jr.	0/1084	3/13/20	RNAV (GPS) RWY 36, Amdt 1A.
21–May–20	AL	Auburn	Auburn University Rgnl	0/1189	3/17/20	ILS OR LOC RWY 36, Amdt 2C.
21–May–20	NY	Jamestown	Chautauqua County/Jamestown.	0/3514	3/18/20	RNAV (GPS) RWY 7, Amdt 1A.
21–May–20	NY	Jamestown	Chautauqua County/Jamestown.	0/3515	3/18/20	RNAV (GPS) RWY 31, Orig-A.
21–May–20	NY	Jamestown	Chautauqua County/Jamestown.	0/3516	3/18/20	RNAV (GPS) RWY 13, Orig-A.
21–May–20	NY	Jamestown	Chautauqua County/Jamestown.	0/3520	3/18/20	RNAV (GPS) RWY 25, Amdt 1B.
21–May–20	GA	Lawrenceville	Gwinnett County—Briscoe Field.	0/3703	3/17/20	ILS OR LOC RWY 25, Amdt 2C.
21–May–20	NY	Jamestown	Chautauqua County/Jamestown.	0/5318	3/18/20	VOR RWY 25, Amdt 8A.
21–May–20	TX	Beaumont	Beaumont Muni	0/5609	3/16/20	VOR/DME RWY 13, Amdt 3C.
21–May–20	TX	Beaumont	Beaumont Muni	0/5610	3/16/20	VOR/DME RWY 31, Amdt 4C.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
21–May–20	NY	Shirley	Brookhaven	0/5615	3/18/20	RNAV (GPS) RWY 33, Orig.
21–May–20	NY	Shirley	Brookhaven	0/5621	3/18/20	VOR RWY 6, Amdt 4.
21–May–20	NY	Shirley	Brookhaven	0/5627	3/18/20	ILS OR LOC RWY 6, Amdt 2B.
21–May–20	NY	Shirley	Brookhaven	0/5633	3/18/20	RNAV (GPS) RWY 6, Amdt 2B.
21–May–20	NY	Shirley	Brookhaven	0/5638	3/18/20	RNAV (GPS) RWY 15, Orig.
21–May–20	TN	Memphis	Memphis Intl	0/5655	3/16/20	ILS OR LOC RWY 36C, Amdt 3D.
21–May–20	TN	Memphis	Memphis Intl	0/5658	3/16/20	ILS OR LOC RWY 36L, Amdt 14D.
21–May–20	TN	Memphis	Memphis Intl	0/5673	3/16/20	ILS OR LOC RWY 36R, Amdt 3C.
21–May–20	FL	West Palm Beach	Palm Beach Intl	0/5865	3/18/20	ILS OR LOC RWY 28R, Amdt 3B.
21–May–20	FL	West Palm Beach	Palm Beach Intl	0/5943	3/18/20	RNAV (GPS) Y RWY 32, Amdt 2A.
21–May–20	FL	West Palm Beach	Palm Beach Intl	0/5944	3/18/20	RNAV (GPS) Y RWY 10L, Amdt 3C.
21–May–20	FL	West Palm Beach	Palm Beach Intl	0/5945	3/18/20	RNAV (GPS) Y RWY 14, Amdt 2A.
21–May–20	FL	West Palm Beach	Palm Beach Intl	0/5946	3/18/20	RNAV (GPS) Y RWY 28R, Amdt 2A.
21–May–20	PA	Pittsburgh	Allegheny County	0/6403	3/16/20	RNAV (GPS) RWY 28, Amdt 3.
21–May–20	PA	Pittsburgh	Allegheny County	0/6404	3/16/20	ILS OR LOC RWY 28, Amdt 29B.
21–May–20	PA	Pittsburgh	Allegheny County	0/6418	3/16/20	RNAV (GPS) RWY 10, Amdt 4C.
21–May–20	FL	Melbourne	Melbourne Intl	0/6436	3/18/20	ILS OR LOC RWY 9R, Amdt 12B.
21–May–20	FL	Melbourne	Melbourne Intl	0/6442	3/18/20	RNAV (GPS) RWY 9R, Amdt 1C.
21–May–20	FL	Melbourne	Melbourne Intl	0/6443	3/18/20	RNAV (GPS) RWY 9L, Amdt 1A.
21–May–20	FL	Melbourne	Melbourne Intl	0/6444	3/18/20	RNAV (GPS) RWY 27L, Amdt 1A.
21–May–20	FL	Melbourne	Melbourne Intl	0/6445	3/18/20	RNAV (GPS) RWY 27R, Amdt 1A.
21–May–20	FL	Melbourne	Melbourne Intl	0/6447	3/18/20	LOC BC RWY 27L, Amdt 10A.
21–May–20	FL	Melbourne	Melbourne Intl	0/6448	3/18/20	VOR RWY 9R, Amdt 21A.
21–May–20	KS	Olathe	Johnson County Executive.	0/6460	3/17/20	LOC RWY 18, Amdt 8.
21–May–20	KS	Olathe	Johnson County Executive.	0/6461	3/17/20	RNAV (GPS) RWY 18, Amdt 1B.
21–May–20	TX	Burnet	Burnet Muni Kate Craddock Field.	0/6768	3/13/20	RNAV (GPS) RWY 1, Orig-C.
21–May–20	TX	Burnet	Burnet Muni Kate Craddock Field.	0/6769	3/13/20	RNAV (GPS) RWY 19, Orig-B.
21–May–20	TX	Austin	San Marcos Rgnl	0/7294	3/24/20	NDB RWY 13, Amdt 5A.
21–May–20	TX	Austin	San Marcos Rgnl	0/7295	3/24/20	ILS OR LOC RWY 13, Amdt 6B.
21–May–20	IA	Iowa City	Iowa City Muni	0/7296	3/24/20	VOR–A, Orig-B.
21–May–20	NM	Las Vegas	Las Vegas Muni	0/7976	3/19/20	RNAV (GPS) RWY 20, Orig-A.
21–May–20	NM	Las Vegas	Las Vegas Muni	0/7977	3/19/20	RNAV (GPS) RWY 32, Orig-A.
21–May–20	NY	Watertown	Watertown Intl	0/8197	3/18/20	RNAV (GPS) RWY 28, Amdt 1.
21–May–20	VA	Newport News	Newport News/Williamsburg Intl.	0/8317	3/17/20	LOC RWY 20, Amdt 1C.
21–May–20	VA	Newport News	Newport News/Williamsburg Intl.	0/8319	3/17/20	RNAV (GPS) RWY 7, Amdt 4.
21–May–20	VA	Newport News	Newport News/Williamsburg Intl.	0/8324	3/17/20	RNAV (GPS) RWY 20, Amdt 2B.
21–May–20	VA	Newport News	Newport News/Williamsburg Intl.	0/8325	3/17/20	RNAV (GPS) RWY 2, Amdt 1B.
21–May–20	TX	Fort Hood/Killeen	Robert Gray AAF	0/8355	3/18/20	VOR/DME RWY 15, Amdt 3A.
21–May–20	TX	Fort Hood/Killeen	Robert Gray AAF	0/8356	3/18/20	VOR–A, Amdt 2B.
21–May–20	MI	Lansing	Capital Region Intl	0/8701	3/13/20	ILS OR LOC RWY 28L, Amdt 28.
21–May–20	GA	Augusta	Augusta Rgnl At Bush Field.	0/9267	3/20/20	ILS OR LOC RWY 35, Amdt 28C.
21–May–20	GA	Augusta	Augusta Rgnl At Bush Field.	0/9268	3/20/20	RNAV (GPS) RWY 35, Amdt 2B.
21–May–20	MN	Grand Rapids	Grand Rapids/Itasca Co–Gordon Newstrom Fld.	0/9725	3/24/20	RNAV (GPS) RWY 16, Orig-B.

[FR Doc. 2020–07613 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–13–P

U.S. INTERNATIONAL DEVELOPMENT FINANCE CORPORATION

22 CFR Part 708

Sunshine Act Regulations

AGENCY: United States International Development Finance Corporation.

ACTION: Final rule.

SUMMARY: Under the Better Utilization of Investments Leading to Development (BUILD) Act of 2018, the U.S. International Development Finance Corporation (DFC) adopted the regulations of its predecessor, the Overseas Private Investment Corporation (OPIC). One of these regulations implemented the Sunshine Act, which is not applicable to DFC. Accordingly, to ensure DFC is implementing and complying with applicable regulations, this final rule removes the agency's Sunshine Act regulations.

DATES: This rule is effective on April 13, 2020.

FOR FURTHER INFORMATION CONTACT: Nichole Skoyles, Administrative Counsel, 202–336–8400, *fedreg@dfc.gov.*

SUPPLEMENTARY INFORMATION: The Better Utilization of Investments Leading to Development (BUILD) Act of 2018, 22 U.S.C. 9601 *et seq.,* created the U.S. International Development Finance Corporation (DFC) by bringing together the Overseas Private Investment Corporation (OPIC) and the Development Credit Authority (DCA) office of the U.S. Agency for International Development (USAID). The BUILD Act specified that completed administrative actions, including rules, would be transferred from OPIC to DFC, *see* 22 U.S.C. 9686(a), and permitted OPIC employees to act in furtherance of that transfer, *see* 22 U.S.C. 9682. Accordingly, OPIC's rules, located in chapter 22 of the Code of Federal Regulations, were transferred to DFC in a rulemaking published at 84 FR 37751 on August 2, 2019. Although OPIC's administrative actions transferred to DFC, the two agencies have significant differences. To facilitate the transition, DFC's Office of General Counsel (OGC) is reviewing how these differences impact the agency. As part of this review, OGC determined that the Sunshine Act, 5 U.S.C. 552b (''Sunshine Act'' or ''Act''), is not applicable to DFC because DFC does not meet the definition of ''agency'' under the Act. The Sunshine Act applies only to agencies ''headed by a collegial body composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate.'' 5 U.S.C. 552b(a)(1). Only four of the nine DFC board members are appointed by the President with the advice and consent of the Senate solely for the purpose of serving on DFC's Board. *See* 22 U.S.C. 9613(b)(2)(iii). The remaining five board members hold their position by virtue of appointment to a different office and therefore do not count toward the majority required by the Sunshine Act's definition of ''agency.'' *See* Whether the Millennium Challenge Corporation Should Be Considered an ''Agency'' for Purposes of the Open Meeting Requirements of the Sunshine Act, 37 Op. O.L.C. (May 3, 2013). Accordingly, the Sunshine Act is not applicable to DFC. The U.S. Department of Justice Office of Legal Counsel (OLC) concurs with DFC in this determination, which is a consistent interpretation held by OLC since at least 1976, and which the D.C. Circuit adopted in *Symons* v. *Chrysler Corp. Loan Guarantee Board,* 670 F.2d 238 (D.C. Cir. 1981). DFC's Board will continue to hold at least two public hearings per year in accordance with 22 U.S.C. 9613(c) and provide public notification for certain projects in accordance with 22 U.S.C. 9671(e)(2).

List of Subjects in 22 CFR Part 708

Sunshine Act.

PART 708—[REMOVED AND RESERVED]

■ Therefore, under the authority of 22 U.S.C. 9632, remove and reserve 22 CFR part 708, consisting of §§ 708.1 through 708.6.

Kevin Turner,

Vice President and General Counsel, Office of the General Counsel, United States International Development Finance Corporation.

[FR Doc. 2020–07684 Filed 4–10–20; 8:45 am]

BILLING CODE 3210–02–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Parts 4, 5, 7, and 19

[Docket No. TTB–2018–0007; T.D. TTB–158; Ref: Notice Nos. 176 and 176A]

RIN 1513–AB54

Modernization of the Labeling and Advertising Regulations for Wine, Distilled Spirits, and Malt Beverages

Correction

In rule document 2020–05939, appearing on pages 18704 through 18726 in the issue of Thursday, April 2, 2020 make the following corrections.

§ 5.52 Certificates of age and origin. [Corrected]

■ 1. On page 18724, in the second column, ''§ 5.525.52 Certificates of age and origin.'' should read, ''§ 5.52 Certificates of age and origin.''

§ 5.57 Personalized labels. [Corrected]

■ 2. On the same page, in the third column, ''§ 5.575.57 Personalized labels.'' should read, ''§ 5.57 Personalized labels.''

§ 5.63 Mandatory statements. [Corrected]

■ 3. On page 18725, in the first column, ''§ 5.635.63 Mandatory statements.'' should read, ''§ 5.63 Mandatory statements.''

§ 5.65 Prohibited practices. [Corrected]

■ 4. On the same page, in the same column, ''§ 5.655.65 Prohibited practices.'' should read, ''§ 5.65 Prohibited practices.''

§ 7.6 Brewery products not covered by this part. [Corrected]

■ 5. On the same page, in the same column, ''§ 7.67.6 Brewery products not covered by this part.'' should read, ''§ 7.6 Brewery products not covered by this part.''

§ 7.10 Meaning of terms. [Corrected]

■ 6. On the same page, in the second column, ''§ 7.107.10 Meaning of terms.'' should read, ''§ 7.10 Meaning of terms.''

§ 7.25 Name and address. [Corrected]

■ 7. On the same page, in the same column, ''§ 7.257.25 Name and address'' should read, ''§ 7.25 Name and address.''

§ 7.29 [Amended] [Corrected]

■ 8. On the same page, in the third column, ''§ 7.297.29 [Amended]'' should read, ''§ 7.29 [Amended]''

§ 7.43 Personalized labels. [Corrected]

■ 9. On the same page, in the same column, ''§ 7.437.43 Personalized labels.'' should read, ''§ 7.43 Personalized labels.''

§ 7.52 Mandatory statements. [Corrected]

■ 10. On page 18726, in the first column, ''§ 7.527.52 Mandatory statements.'' should read, ''§ 7.52 Mandatory statements.''

§ 7.54 [Amended] [Corrected]

■ 11. On the same page, in the same column, ''§ 7.547.54 [Amended]'' should read, ''§ 7.54 [Amended]''

§ 7.71 Alcoholic content. [Corrected]

■ 12. On the same page, in the same column, ''§ 7.717.71 Alcoholic content.'' should read, ''§ 7.71 Alcoholic content.''

§ 19.353 Bottling tank gauge. [Corrected]

■ 13. On the same page, in the second column, ''§ 19.35319.353 Bottling tank gauge.'' should read, ''§ 19.353 Bottling tank gauge.''

§ 19.356 Alcohol content and fill. [Corrected]

■ 14. On the same page, in the third column, ''§ 19.35619.356 Alcohol content and fill.'' should read, ''§ 19.356 Alcohol content and fill.''

[FR Doc. C1–2020–05939 Filed 4–10–20; 8:45 am]

BILLING CODE 1300–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2020–0033; FRL–10007–60–Region 7]

Air Plan Approval; Missouri; Control of Emissions From the Manufacturing of Paints, Varnishes, Lacquers, Enamels, and Other Allied Surface Coating Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the State Implementation Plan (SIP) for the State of Missouri for a regulation that controls emissions from facilities that manufacture paints, varnishes, enamels, and other allied surface coating products. This final action will amend the SIP to include adding incorporations by reference, including definitions specific to the rule, revising unnecessarily restrictive language, and making other administrative wording changes. The EPA's approval of these rule revisions is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on May 13, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2020–0033. 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, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Will Stone, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number (913) 551–7714; email address *stone.william@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA.

Table of Contents

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
III. The EPA's Response to Comments
IV. What action is the EPA taking?
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The EPA is approving revisions to 10 Code of State Regulation (CSR) 10–2.300, *Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products* in the Missouri SIP. Missouri made several revisions to the rule. These revisions are described in detail in the technical support document (TSD) included in the docket for this action. The EPA is finalizing this action because the revisions to these rules will not have a negative impact on air quality.

II. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from June 15, 2018, to September 6, 2018, and received four comments. The State revised the rule based on the comments submitted. In addition, as explained in more detail in the TSD included in the docket for this action, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. The EPA's Response to Comments

The public comment period on the EPA's proposed rule opened February 13, 2020, the date of its publication in the **Federal Register**, and closed on March 16, 2020 (85 FR 8229). During this period, EPA received one comment. The comment was not substantive or adverse and can be found in the docket for this action.

IV. What action is the EPA taking?

The EPA is taking final action to approve revisions to 10 CSR 10–2.300, *Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products* in the Missouri SIP. Approval of these revisions will ensure consistency between State and federally approved rules. The EPA has determined that these changes will not adversely impact air quality.

V. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Missouri Regulations described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

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

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; 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 the 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 12, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 31, 2020.

James Gulliford,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

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 AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–2.300'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 2—Air Quality Standards and Air Pollution Control Regulations for the Kansas City Metropolitan Area				
*	*	*	*	*
10–2.300	Control of Emissions from Manufacturing of Paints, Varnishes, Lacquers, Enamels and Other Allied Surface Coating Products.	2/28/2019	4/13/2020, [insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

[FR Doc. 2020–07142 Filed 4–10–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2020–0011; FRL–10007–59–Region 7]

Air Plan Approval; Missouri; Control of Nitrogen Oxide Emissions From Portland Cement Kilns

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the State Implementation Plan (SIP) for the State of Missouri for a regulation that establishes nitrogen oxide (NO_X) control equipment and NO_X emission levels for Portland cement kilns. This final action will amend the SIP to include adding incorporations by reference, including definitions specific to the rule, revising unnecessarily restrictive language, updating test methods, and making other administrative wording changes. The EPA's approval of these rule revisions is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on May 13, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2020–0011. 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, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Tracey Casburn, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number (913) 551–7016; email address *casburn.tracey@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA.

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IV. What action is the EPA taking?
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The EPA is approving revisions to 10 Code of State Regulation (CSR) 10 CSR 10–6.380, *Control of NO_X Emissions from Portland Cement Kilns* in the Missouri SIP. Missouri made several revisions to the rule. These revisions are described in detail in the technical support document (TSD) included in the docket for this action. The EPA is finalizing this action because the revisions to these rules will not have a negative impact on air quality.

II. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice of the revisions from July 30, 2018, to September 6, 2018, and held a public hearing on August 30, 2018. The State received and addressed comments from the EPA. In addition, as explained in more detail in the TSD included in the docket for this action, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. The EPA's Response to Comments

The public comment period on the EPA's proposed rule opened February 18, 2020, the date of its publication in the **Federal Register**, and closed on March 19, 2020 (85 FR 8791). During this period, EPA received no comments.

IV. What action is the EPA taking?

The EPA is taking final action to approve revisions to 10 CSR 10–6.380, *Control of NO_X Emissions from Portland Cement Kilns* in the Missouri SIP. Approval of these revisions will ensure consistency between State and federally approved rules. The EPA has determined that these changes will not adversely impact air quality.

V. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Missouri Regulations described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

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

• 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 the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; 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 the 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 12, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. 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, Nitrogen oxide, Portland cement kilns.

Dated: March 31, 2020.

James Gulliford,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

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 AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–6.380'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
* * *	* * *	* * *		
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
* * *	* * *	* * *		
10–6.380	Control of NO_X Emissions From Portland Cement Kilns.	2/28/2019	4/13/2020, [insert **Federal Register** citation].	
* * *	* * *	* * *		

* * * * *

[FR Doc. 2020–07141 Filed 4–10–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2020–0040; FRL–10007–44–Region 7]

Air Plan Approval; Missouri; Control of Emissions From Batch Process Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the State Implementation Plan (SIP) for the State of Missouri for a regulation which limits the volatile organic compound (VOC) emissions from batch process operations by incorporating reasonably available control technology (RACT) as required by the Clean Air Act Amendments of 1990. This final action will amend the SIP to include adding incorporations by reference, including definitions specific to the rule, revising unnecessarily restrictive language, and making other administrative wording changes. The

EPA's approval of these rule revisions is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on May 13, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2020–0040. 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, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: Will Stone, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number (913) 551–7714; email address *stone.william@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA.

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II. Have the requirements for approval of a SIP revision been met?
III. The EPA's Response to Comments
IV. What action is the EPA taking?
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The EPA is approving revisions to 10 Code of State Regulation (CSR) 10–5.540, *Control of Emissions from Batch Process Operations* in the Missouri SIP. Missouri made several revisions to the rule. These revisions are described in detail in the technical support document (TSD) included in the docket for this action. The EPA is finalizing this action because the revisions to these rules will not have a negative impact on air quality.

II. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from June 15, 2018, to September 6, 2018, and received four comments. The State revised the rule based on the comments submitted. In addition, as explained in more detail in the TSD included in the docket for this action, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. The EPA's Response to Comments

The public comment period on the EPA's proposed rule opened February 13, 2020, the date of its publication in the **Federal Register**, and closed on March 16, 2020 (85 FR 8227). During this period, EPA received one comment. The comment was not substantive or adverse. The comment can be found in the docket for this action.

IV. What action is the EPA taking?

The EPA is taking final action to approve revisions to 10 CSR 10–5.540, *Control of Emissions from Batch Process Operations* in the Missouri SIP. Approval of these revisions will ensure consistency between State and federally approved rules. The EPA has determined that these changes will not adversely impact air quality.

V. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Missouri Regulations described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 7 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[1]

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; 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 the 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

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

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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 12, 2020. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 31, 2020.

James Gulliford,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

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 AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry ''10–5.540'' to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 5—Air Quality Standards and Air Pollution Control Regulations for the St. Louis Metropolitan Area				
*	*	*	*	*
10–5.540	Control of Emissions from Batch Process Operations.	2/28/2019	4/13/2020, [insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

[FR Doc. 2020–07139 Filed 4–10–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 18–213, 20–89; FCC 20–44; FRS 16657]

Promoting Telehealth for Low-Income Consumers; COVID–19 Telehealth Program; Correction

AGENCY: Federal Communications Commission.

ACTION: Final order; correction; clarification of effective date.

SUMMARY: The Federal Communications Commission (Commission) corrects the **DATES** section of a document published on April 9, 2020 to provide clarification as it pertains to the effective date of the COVID–19 Telehealth Program.

DATES: This correction is effective April 9, 2020.

FOR FURTHER INFORMATION CONTACT: Rashann Duvall, *Rashann.Duvall@fcc.gov,* Telecommunications Access Policy Division, Wireline Competition Bureau, (202) 418–7400 or TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of April 9, 2020, in FR Doc. 2020–07587, on page 19892, correct the ''**DATES**'' caption to read as follows:

DATES: The Report and Order is effective May 11, 2020, except for the portions of the Report and Order discussing the COVID–19 Telehealth Program, which are effective April 9, 2020, and the information collections requiring Office of Management and Budget (OMB) approval. The Commission received OMB approval of the COVID–19 Telehealth Program information collection requirements on April 6, 2020, and those requirements are effective April 9, 2020. The Pilot Program information collection requirements will not become effective until approved by OMB. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date of OMB approval of the Pilot Program requirements.

Dated: April 9, 2020.

Federal Communications Commission.

Cecilia Sigmund,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2020–07823 Filed 4–9–20; 1:00 pm]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 85, No. 71
Monday, April 13, 2020

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

[Docket No. PRM–35–21; NRC–2020–0037]

Patient Release Criteria for Radioactive Iodine

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of docketing.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received a petition for rulemaking from Peter Crane, on behalf of the organization, Sensible Controls on Administrations of Radioactive Iodine, dated November 15, 2019. The petitioner requests that the NRC revise its regulations regarding the criteria for patient release after the administration of radioactive iodine. The petition was docketed by the NRC on January 24, 2020 and has been assigned Docket No. PRM–35–21. The NRC is examining the issues raised by the petition to determine whether they should be considered in rulemaking. The NRC is not seeking public comment on this petition at this time.

DATES: The NRC received PRM–35–21 on November 15, 2019 and docketed it on January 24, 2020.

ADDRESSES: Please refer to Docket ID NRC–2020–0037 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–2020–0037. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Pamela Noto, Office of Nuclear Material Security and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6795, email: *Pamela.Noto@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. The Petitioner

Peter Crane is the Acting Secretary for Sensible Controls on Administrations of Radioactive Iodine (SCAR). Most of the members of SCAR have been treated with radioactive iodine. The petitioner requests that the NRC amend part 35 of title 10 of the *Code of Federal Regulations* (10 CFR) to revise the criteria for patient release after the administration of radioactive iodine. The petition can be found in ADAMS at Accession No. ML20024F779.

II. The Petition

The petitioner requests that the NRC revise the patient release criteria in § 35.75 to ensure the availability of inpatient treatment when required. The petitioner summarized the history of the NRC's patient release regulations before, and after, the 1997 rulemaking that amended the criteria for the release of patients following medical treatments involving radioactive isotopes. The petitioner states that the current NRC patient release regulations neglect internal radiation dose and are based solely on the external radiation exposure from radioactive iodine. The petitioner further states that, according to the Centers for Disease Control and other national and international authorities, internal radiation dose is critically important, particularly for children as they are far more at risk from the effects of radiation exposure than adults. The petitioner also states that the NRC's patient release regulations have been interpreted to permit newly treated patients to be released, resulting in five times the radioactive iodine exposure to the patient's family and the public than is allowed by national and international standards. The petitioner asserts that the responsibility to protect the public has shifted from medical providers to individual patients, who may not be adequately informed of the risks to the public. The petitioner asserts that the NRC's patient release regulations allow insurance companies to dictate whether patients and their families receive adequate radiation protection. The petitioner states that the patient release regulations need to be amended, and that this can be accomplished in different ways. The petitioner suggests that the NRC could reinstate an activity cap at 10 or 15 millicuries of radioactive iodine or reduce the current dose limit from 500 millirems to 100 millirems, which the petitioner says is consistent with national and international standards. The petitioner observes that guidance on patient release is non-binding; therefore, to enforce new requirements, the petitioner requests that the NRC conduct rulemaking.

III. Docketing

The NRC has determined that the petition satisfies the requirements for docketing a petition for rulemaking in § 2.802(c). The NRC is reviewing the merits of the petition. The NRC has sufficient information to understand and evaluate the merits of the petition; therefore, NRC is not seeking public comment at this time.

Dated at Rockville, Maryland, this 3rd day of April, 2020.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2020–07383 Filed 4–10–20; 8:45 am]

BILLING CODE 7590–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 704

RIN 3133–AF13

Corporate Credit Unions; Extension of Comment Period

Correction

In proposed rule document 2020–07159 on page 19908 in the issue of Thursday, April 9, 2020, make the following correction:

On page 19908, in the first column, in the ''**DATES**'' section, in the fifth line, ''June 8, 2020'' should read ''July 27, 2020''.

[FR Doc. C1–2020–07159 Filed 4–10–20; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 36

[Docket No.: FAA–2020–0316; Notice No. 20–06]

RIN 2120–AL29

Noise Certification of Supersonic Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to add new supersonic airplanes to the applicability of noise certification regulations, and proposes landing and takeoff noise standards for a certain class of new supersonic airplanes. There is renewed interest in the development of supersonic aircraft, and the proposed regulations would facilitate the continued development of airplanes by specifying the noise limits for the designs, providing the means to certificate the airplanes for subsonic operation in the United States.

DATES: Send comments on or before July 13, 2020.

ADDRESSES: Send comments identified by docket number FAA–2020–0316 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 *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.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 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. If you are submitting confidential business information as part of a comment, please consult section VI. A. of this document for the proper submission procedure.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Sandy R. Liu, Office of Policy, International Affairs, & Environment, Noise Division (AEE–100), Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone 202–267–4748; email *sandy.liu@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

Current noise certification regulations do not include standards for supersonic airplanes other than the Concorde. In its 2018 reauthorization,[1] the FAA was directed to exercise leadership in the creation of Federal and international policies, regulations, and standards relating to the certification and the safe and efficient operation of civil supersonic aircraft. This rulemaking is a step in that process. The agency is proposing to amend the noise certification regulations in Title 14, Code of Federal Regulations (14 CFR) parts 21 and 36 to provide for new supersonic airplanes, and to add subsonic landing and takeoff (LTO) cycle standards for supersonic airplanes that have a maximum takeoff weight no greater than 150,000 pounds and a maximum operating cruise speed up to Mach 1.8. This proposal is based in part on the Supersonic Transport Concept Airplane (STCA) studies performed by the National Aeronautics and Space Administration (NASA), information provided to the FAA by U.S. industry, and the continuing work of the International Civil Aviation Organization (ICAO) Committee on Aviation Environmental Protection (CAEP). These proposed certification standards would provide a means to certificate these airplanes for noise for subsonic operation domestically, but would not affect the prohibition in 14 CFR 91.817 on the creation of sonic booms (*i.e.,* supersonic operations over land in the United States would remain prohibited).

This proposed rule would (1) amend the applicability of part 36 to include new supersonic airplanes for which type certification is requested after a final rule takes effect, (2) revise the definition of *supersonic airplane* to include newly certificated airplanes but exclude the Concorde,[2] (3) provide noise certification reference procedures to be used for all supersonic airplanes, and (4) establish noise limits for takeoff and landing that would apply to Supersonic Level 1 (SSL1) airplanes, as defined in the proposed regulation. The proposed standards include noise limits that are quieter than the Stage 4 limits at which most of the current subsonic jet fleet operates, though louder than the current certification level of Stage 5 for the same aircraft weights. The proposed standards would allow Variable Noise Reduction Systems (VNRS) to be used for noise certification testing, and if used for certification, would require the system to be activated during normal operations.

II. Authority

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

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart III, Section 44715, Controlling aircraft noise and

[1] Section 181, Public Law 115–254, FAA Reauthorization Act of 2018 (October 5, 2018).

[2] The Concorde type certificate remains valid, even though none are currently operating. The certification regulations in part 36 that apply to the Concorde are limited to the Concorde model and need to remain in place. The FAA seeks to segregate the Concorde as a historical matter to prevent any confusion; the certification regulations proposed here would apply only to new supersonic airplanes. None of the proposed certification regulations affect the Concorde operating regulations already in place.

sonic boom. Under that section, the FAA is charged with prescribing regulations to measure and abate aircraft noise. This rulemaking is also promulgated under the authority of Section 181 of the FAA Reauthorization Act of 2018, Public Law 115–254, which directs the FAA Administrator to exercise leadership in the creation of Federal policies, regulations, and standards related to the certification of and to the safe and efficient operation of civil supersonic aircraft. This regulation is within the scope of those authorities because it provides for the applicability of the regulations to a new class of supersonic airplanes, and sets the noise limits described in § 44715(a)(3) that are required to be in place before the FAA may issue a new type certificate.

III. Background

Current noise certification regulations do not include standards for supersonic airplanes other than the Concorde. In 1978, the FAA promulgated its first rule addressing civil supersonic aircraft noise, establishing takeoff and landing noise standards in 14 CFR part 36 specific to the Concorde airplane.[3] That rule did ''not establish certification noise limits for future design [supersonic aircraft] since the technological feasibility of such standards is at present unknown.''[4] In addition, the FAA established operational noise limits applicable to civil supersonic airplanes.

However, the FAA anticipated that there would be future supersonic aircraft designs that could be economically viable and environmentally acceptable. In 1978, such an idea was only theoretical, but it was known that major advancements would need to be made. These advancements included improvements to noise reduction features, flexible performance requirements, and environmental acceptability.

As technology continued to advance, the FAA expressed interest in amending its regulations to account for the development of supersonic aircraft other than the Concorde. In 1986, the FAA published an advance notice of proposed rulemaking (ANPRM) addressing the possibility of amending parts 36 and 91 to provide for noise type certification and civil operation of newer supersonic aircraft.[5] The FAA subsequently published an NPRM in 1990 that would have required future supersonic aircraft to meet Stage 3 noise limits, which were then the maximum noise limits for subsonic airplanes.[6] In 1994, the FAA withdrew the NPRM, stating that further research was necessary before developing a final rule.[7]

In February 2018, the FAA Office of the Chief Counsel published an interpretation that addressed 14 CFR part 36, and whether it would apply to an application for type certification of a new supersonic airplane. The interpretation concluded that part 36 applies only to subsonic aircraft by its own terms (except for the Concorde, which was included by name in regulations from the 1970s). The interpretation also found that if no noise standards for a supersonic aircraft were in place at the time of an application for type certification, the FAA's statutory mandate would require the agency to create noise certification standards applicable to the aircraft before a type certificate could be issued, even if that set of noise standards only applied to one aircraft model. The full interpretation is available online[8] and a copy has been placed in the docket for this rulemaking.

Currently, FAA regulations prohibit civil aircraft from operating at speeds exceeding Mach I over land in the United States. (14 CFR 91.817). The FAA does not propose to change that prohibition with this rule. This proposal is limited to establishing procedures and noise levels for subsonic operation of supersonic aircraft during landing and takeoff.

For a brief history of supersonic airplane operations in the United States, please consult the background section of the FAA's NPRM titled *Special Flight Authorizations for Supersonic Aircraft,* published in the **Federal Register** on June 28, 2019, at 84 FR 30961.

A. Statement of the Problem

Several U.S. manufacturers have begun developing the next generation of supersonic airplanes. Current regulations do not include noise standards applicable to new supersonic airplanes, and the FAA's statutory authority requires that noise regulations be in place before a new aircraft type certificate may be issued.[9] Accordingly, the FAA is proposing to amend its noise certification regulations to apply to supersonic airplanes, and to adopt noise certification procedures and noise limits that would apply during the LTO cycle of certain new supersonic airplanes. Manufacturers have indicated that they expect new supersonic-capable designs to enter service in the mid- to late-2020s. The FAA has a statutory duty to both protect the public health and welfare from aircraft noise and sonic boom,[10] and when proposing noise standards, to consider whether the standard is economically reasonable, technologically practicable, and appropriate for the aircraft to which the standards apply.[11] For more than a decade, aircraft developers have indicated their need for the FAA to establish reasonable, achievable supersonic LTO cycle noise limits in order to complete their designs with reasonable certainty that the aircraft will qualify for type certification in the United States.

B. Scope of This Proposal

All airplanes, including supersonic airplanes, operate at subsonic speed during the LTO cycle. Under part 36, the amount of noise allowed to be produced during these phases of flight is determined by aircraft weight.[12] This rule proposes LTO cycle noise limits for supersonic airplanes that have a maximum takeoff weight of 150,000 pounds and a maximum operating cruise speed of Mach 1.8, defining this class of airplanes as SSL1. The primary reason for proposing a separate supersonic category and SSL1 airplane class is to account for the distinct design of the aircraft (discussed below in paragraph C.) and the resulting known source noise effects on certain noise measurements. As industry continues to develop supersonic capable airplane designs and can provide more data on airplane noise and performance, the FAA expects to adopt LTO cycle standards for aircraft of greater maximum takeoff weight and higher operational speeds.

This proposed rule does not address any noise associated with normal flight at cruise altitudes or supersonic speeds. The FAA has not promulgated cruise altitude noise regulations for subsonic airplanes, and sufficient data are not currently available that would support rulemaking to develop such standards for supersonic airplanes. Before any changes to the operating rules could be proposed, more research is needed on the production of noise at supersonic

[3] Noise and Sonic Boom Requirements, 43 FR 28406 (Jun. 29, 1978).

[4] *Id.*

[5] 51 FR 39663 (Oct. 30, 1986).

[6] Aircraft noise limits have varied over time from Stage 1 in the 1970s to current Stage 5 certification limits.

[7] Withdrawal: 59 FR 39711 (August 4, 1994).

[8] The interpretation is titled ''Applicability of part 36 to new supersonic aircraft.''

[9] 49 U.S.C. 44715(a)(3).

[10] 49 U.S.C. 44715(a).

[11] 49 U.S.C. 44715(b)(4).

[12] Heavier aircraft require more lift, require more thrust, create more drag, and have larger aerodynamic surfaces that result in more noise, relative to smaller aircraft.

cruise speeds and the regulatory approaches that would be appropriate. Allowing civil airplane operation at speeds in excess of Mach 1 over land in the U.S. may become possible in the future, but it is not expected before the development of new technologies reducing the impact of sonic boom generation or eliminating sonic boom exposure. Accordingly, nothing about this proposal may be interpreted as affecting the existing prohibition on exceeding Mach 1 speed (thus producing a sonic boom) over land in the United States.[13] The FAA, NASA, ICAO, and aviation stakeholders worldwide continue to study and evaluate the methods that would support the next phases of supersonic development, including the measurement of sonic boom noise and the effect on people on the ground.

As a part of the process to develop this proposed rule, the FAA has consulted with NASA and other interested parties in the aviation industry, and has continued its leadership roles at ICAO to assess the needs of the industry and the public, and the costs and benefits of introducing these new aircraft.

When the FAA began to develop this rulemaking in 2018, the agency asked several entities whether they were developing supersonic airplane projects and whether they were interested in sharing data regarding the probable noise characteristics associated with those projects. The FAA is placing in the docket for this rulemaking the list of questions we sent interested entities, and a list of those who responded. The FAA has determined that the information we received in response to our questions is considered proprietary and subject to the Trade Secrets Act,[14] and would be protected from release pursuant to the Freedom of Information Act (FOIA) under FOIA Exemption 4.[15] The information we received was combined with the data from the NASA studies and ongoing ICAO efforts as part of the overall data set that informed this proposed rule.

C. Establishing Distinct Supersonic Standards

The FAA is proposing noise certification levels specific to supersonic aircraft, as well as certain changes to existing reference procedures for measuring aircraft noise during certification. These proposed noise levels are different than the current Stage 5 noise levels for subsonic aircraft. This difference reflects the need to take into account the unique technological and design requirements for supersonic aircraft to maintain long-distance supersonic flight. As will be discussed below, the FAA has found that the technological differences between subsonic and supersonic airplanes require that a separate set of noise certification levels be established for supersonics since noise is an intrinsic function of these differences. This rule proposes standards for the use of airplane-specific noise abatement technical equipment and procedures (such as VNRS) that are central to establishing LTO cycle noise levels at certification. The traditional regulatory framework and the use of the well-understood, efficient subsonic airplane testing requirements are maintained in this proposed rule, including the existing means of acoustical measurements, data evaluation, reference (test) procedures, reference (atmospheric) conditions, and adjustment analyses for noise certification. The FAA expects that these proposed regulations would result in noise tests of new supersonic airplanes being conducted in much the same manner and under the same conditions as current subsonic airplanes.

In order to achieve and maintain supersonic flight over long distances, different technologies need to be incorporated. They are most evident in the design and performance of (1) the fuselage and wing shape, and (2) the engine design. Each of those design characteristics has effects on airplane noise during subsonic operation. The FAA collected and reviewed data from U.S. manufacturers regarding their conceptual designs for new supersonic aircraft in an effort to identify appropriate subsonic LTO cycle noise limits for these airplanes. These data were also used to support the FAA's efforts to protect the public from noise and to propose standards that are reasonable. The noise limits proposed in this rule take into account the technological advancements that have been made since the Concorde was first flown commercially in the 1970s. The FAA anticipates that new supersonic airplane designs will produce LTO cycle noise similar to the fleet of subsonic airplanes currently in operation.

1. Wing and Fuselage Design

The recognizable design of the Concorde, with its long, narrow fuselage and swept-back wings, is not simply about aesthetics. All aircraft experience drag, the resistance to moving air that requires power to overcome, similar to putting one's hand out the window of a moving car. When traveling at supersonic speeds, the amount of drag increases significantly due to wave drag attributed to shock wave formation when operating at speeds faster than Mach 1 (the speed of sound). As a consequence of the large increase in drag at supersonic speed, supersonic aircraft must have a relatively small cross-section to minimize the drag effect on the airframe. In practice, supersonic aircraft designs tend to look more like a dart with a smaller diameter fuselage than a traditional tube and wing shaped subsonic aircraft.

Supersonic speeds also require a different wing design than the typical subsonic airplane. Wave drag, which also burdens subsonic airplanes, is a more significant contributor to total drag on supersonic designs because of shock waves that form at speeds greater than Mach 1. In order to minimize wave drag, the wings of a supersonic airplane are thinner (in cross-sectional thickness) and have a shorter swept wingspan (delta shaped) than a subsonic airplane. This wing design helps minimize wave drag at supersonic speeds; however, it does not generate lift as well as subsonic airplane wings at lower speeds. This difference is important when the airplane is taking off and landing. This difference in wing design requires supersonic airplanes to operate at higher speeds during takeoff and landing as compared to subsonic aircraft, requiring more thrust than subsonic airplanes to generate enough aerodynamic lift to take off and land safely. More thrust and speed at takeoff and landing results in more noise compared to a subsonic airplane of a similar weight.

2. Engine Design

To take off and land safely, jet engines for supersonic aircraft require relatively greater thrust than subsonic aircraft of a similar weight, as well as a lower engine bypass ratio to reach and maintain supersonic speeds in excess of Mach 1. In addition, as discussed above, the aircraft and wing design are optimized to reduce drag, and the aircraft require increased thrust during takeoff and landing. An engine's bypass ratio is a measurement of the relationship between the diameter of the engine opening and the amount of air that flows through the fan of the engine and bypasses the core, compared to the amount of air that flows through the core. Over time, the bypass ratios for subsonic aircraft have greatly increased as a result of technology and materials improvements that also led to significant fuel efficiency improvements and noise reductions. There is limited

[13] 14 CFR 91.817.

[14] 18 U.S.C. 1905.

[15] 5 U.S.C. 552(b)(4).

opportunity to incorporate increased bypass ratios on engines that power supersonic aircraft. To reduce the increased drag already noted, the diameter of the engine inlet must be relatively small and well-integrated into the airframe/wing design, making the high bypass ratios (and pod-on-wing design) of engines on modern subsonic aircraft not technologically feasible. As a result, new supersonic aircraft will need to utilize integrated lower bypass ratio engines, which are relatively louder than high bypass ratio engines.

3. A New Noise Category

As part of its statutory duty to adopt standards that are economically reasonable, technologically practicable, and appropriate for a particular aircraft,[16] the FAA first took into account the physical and technological differences between subsonic and supersonic airplanes described above. The FAA studied NASA's modeling efforts for modern supersonic design technologies, as well as data that manufacturers developing supersonic products provided to the FAA.[17] Based on the available information, the FAA concluded that, to comply with Congress's statutory direction to enable a new generation of supersonic airplanes, the FAA needed to create a new category for purposes of noise certification.

The new category would account for the unique technology and design characteristics of supersonic airplanes. These unique characteristics fundamentally affect the way the noise is generated and measured, which makes comparison to subsonic airplanes neither appropriate nor helpful. In addition, the data available to the FAA indicate that a modern supersonic airplane would have little in common with the noise of the Concorde, and can be expected to incorporate developing technologies that would lessen the effect on the public of its expected landing and takeoff noise impacts.

Based on the data available, the FAA proposes a new noise category for matters of supersonic noise certification in Part 36, and defines a first class of supersonic airplanes (defined by weight and maximum speed) that is expected to encompass most of the projects currently under design.[18]

The FAA proposes the first class, Supersonic Level 1 (SSL1), for airplanes capable of supersonic flight that have a maximum takeoff weight of 150,000 pounds and a maximum operating cruise speed of Mach 1.8. The FAA chose this class definition because the agency anticipates that most of the designs currently under development will fit within these parameters. Because this regulatory structure is tailored to supersonic designs and technology currently under development, it will foster innovation in this new emerging class of airplanes. In addition, it will serve as a launching point for adopting appropriate standards for future classes that could encompass for example, heavier maximum takeoff weights and faster operating cruise speeds. The FAA does not intend for today's proposal to be a one-size fits all approach to emerging supersonic technology. To the contrary, today's proposal seeks to provide the regulatory certainty necessary to enable the generation currently under development. Current research suggests that supersonic airplanes with speeds above Mach 1.8 would have different design characteristics. These characteristics would affect aircraft noise and are expected to require different noise standards and different noise measurements.

4. Reference Procedure Changes

The FAA's approach to reference procedures in this proposed rule is based in its long-established paradigm of noise certification that is broadly applicable. The proposed new supersonic category and proposed SSL 1 class reflect the FAA's need to accommodate the unique characteristics of supersonic airplanes. Consistent with the FAA's long-standing approach to noise certification, the FAA would evaluate supersonic airplanes under this proposed rule using a standard weight-to-noise correlation, with the separate noise limits (the curve) needed to properly account for the inherent design differences and allow comparison of like products.

In gathering noise data, an airplane is flown using Part 36 takeoff and approach reference procedures, which represent specific, repeatable conditions that ensure accurate noise measurement. This NPRM proposes using the same measurement locations contained in the existing part 36. However, to account for all of the differences between supersonic and subsonic airplanes described in this section, different reference procedures are proposed for takeoff speed and thrust.

New supersonic designs are also expected to incorporate advanced technologies that control the engines and aerodynamic control surfaces automatically to reduce noise at takeoff and landing to the greatest extent possible, while still allowing the airplane to operate safely. The higher thrust needed for takeoff and the lower engine bypass ratio for supersonic airplanes both contribute to higher lateral noise levels. This proposed rule would allow for the use of Variable Noise Reduction Systems (VNRS), as part of the takeoff reference procedure. Inclusion of VNRS in the proposed standards is designed to allow maximum flexibility for manufacturers to present VNRS design options to the FAA that are appropriate for their airplanes. The FAA seeks to allow the maximum latitude for these designs while they are still in their infancy. The FAA seeks comment on whether there are other performance-based standards that could be included that would allow even greater design flexibilities.

D. International Standard Setting Activity

The development of international supersonic noise standards for modern aircraft began in the early 2000s and continues today in ICAO. Since 1983, the ICAO CAEP has developed environmental standards and policies for international aviation. The United States is an active member of the CAEP. Work conducted by the CAEP Noise Technical Working Group was considered in many of the aspects of this proposed rule. The FAA continues to work with ICAO to develop an international civil supersonic LTO cycle noise standard that will allow supersonic airplanes to be certificated and accepted worldwide. This first proposal of supersonic noise certification regulations represents an exercise of the FAA's statutory direction to enable the safe commercial deployment of civil supersonic aircraft technology and the safe and efficient operation of civil supersonic aircraft. The United States understands the need for globally harmonized supersonic LTO cycle noise standards. The FAA is undertaking this rulemaking to respond to the demand from U.S. manufacturers to provide regulatory certainty while it continues to work with the international community to move forward with the international standard setting process for supersonic LTO cycle noise.

[16] 49 U.S.C. 44715(b)(4).

[17] Manufacturers submitted confidential or proprietary data.

[18] If the FAA receives an application for an airplane that falls outside this class, both the agency and the airplane developer could use the first class (SSL 1) as a starting point for establishing an individual certification basis. Establishing this first class will inform the industry as to the agency's direction and serve as a foundation for future specific standards once the distinguishing characteristics of the next class (whatever they may be) emerge and can be taken into account.

E. Analysis of Proposed Rule Text

The following section contains a discussion of select portions of rule text. It does not repeat the rule text, but is designed to be read as a companion to the proposed rule language presented at the end of this document.

Part 21, § 21.93 Classification of changes in type design. The FAA is proposing to add supersonic airplanes to the list of aircraft in § 21.93(b). That section provides that any voluntary change in the aircraft's type design that may increase noise levels (defined as an ''acoustical change'') must meet the applicable requirements in part 36 for design changes. Supersonic airplanes would be subject to acoustical change requirements equivalent to other aircraft types. None of the exceptions set forth in paragraphs (b)(2), (3), and (4) for subsonic jet airplanes, certain propeller-driven commuter or small airplanes, and helicopters, respectively, are appropriate for new supersonic airplanes. As discussed in subsequent sections, this proposed rule seeks to distinguish new supersonic airplanes from the Concorde model. As a result, this rule proposes to add the Concorde to § 21.93 to preserve its place in the regulations.

Part 36, § 36.1 Applicability and definitions. The FAA is proposing to add supersonic airplanes, as defined in this NPRM, to the applicability of part 36. As discussed earlier in this preamble, the current applicability of part 36 is limited by its terms to subsonic aircraft. Expanding the applicability is necessary to include the noise limits for supersonic airplanes that the FAA is proposing in new subpart E and new appendix C to part 36.

Throughout part 36, this proposed rule would add the term ''subsonic'' before ''jet airplane'' when needed to distinguish between the part 36 requirements that are not applicable to both subsonic and supersonic jet airplanes.

The FAA is proposing to amend the title of subpart B by inserting the word ''Subsonic'' before the word ''Jet'' to indicate that the regulations in that subpart do not apply to supersonic airplanes.

The FAA is proposing to revise the definition of supersonic airplane in § 36.1 and move it from paragraph (f) to new paragraph (j). The move will allow the definitions related to new supersonic airplanes to be grouped in one paragraph of § 36.1. The revised definition would exclude the Concorde from the definition of supersonic airplane. The part 36 regulations that apply to the Concorde are specific to the Concorde and the FAA seeks to segregate them as a historical matter to prevent any confusion as to which standards apply to the Concorde as opposed to those for new supersonic airplanes being proposed here.

The FAA is proposing a definition of SSL1 airplane that refers to proposed Appendix C, which would apply to supersonic airplanes with a maximum certificated takeoff weight of 150,000 pounds and a maximum operating speed of Mach 1.8 or less. This definition would include most of the proposed supersonic airplane design concepts that U.S. manufacturers have described to the FAA. The FAA anticipates that when data is available to establish LTO cycle noise standards for other weight and speed supersonic airplanes, other similar classes of airplane and noise level would be added to § 36.1(j) with separate definitions.

The FAA is proposing a definition of LTO cycle to specify that the proposed supersonic noise standards are associated with the departure and arrival of supersonic airplanes at subsonic speeds at airports. The LTO cycle noise levels consist of the flyover, lateral, and approach noise levels as specified in proposed Appendix C to part 36. The definition is necessary to distinguish that the noise limits proposed in Appendix C are not applicable to noise created during flight at supersonic speeds.

The FAA is proposing a definition of VNRS and of Programmed Lapse Rate (PLR) to describe the function of various configuration controls that are intended to limit noise during the LTO cycle. Since these are new aircraft systems, the FAA specifically requests comment on the scope of these definitions and any suggested additions or changes that might be common to all developers of such systems.

Part 36, Subpart D. The FAA is proposing to change the title only of Subpart D to indicate that the regulations presented in that subpart apply only to Concorde airplanes, removing the term supersonic from the subpart title. Although no Concorde airplanes are currently operational, the regulations on the Concorde would not be removed because the aircraft type certificate remains valid. Regulations that apply to new supersonic airplanes would be placed in a new Subpart E.

Part 36, Subpart E. The FAA is proposing to add Subpart E to establish the noise measurement and evaluation requirements applicable to new supersonic airplanes. This new subpart would retain the familiar structure of other subparts in part 36, but apply only to new supersonic airplanes in accordance with the definition proposed in this rule. As discussed elsewhere in this rulemaking, the applicability of the regulations proposed for new subpart E is limited to SSL1 airplanes.

As a corollary to other aircraft types to which part 36 is applicable, the FAA is proposing a new § 36.15 to add acoustical change requirements for supersonic airplanes. This is the companion regulation to the proposed change made in § 21.93 that adds supersonic airplanes to the applicability of that section. As with other types of aircraft, a certificated supersonic airplane, after a change in the type design, would still be required to meet at least the noise level that was applicable to the design prior to the change.

Section 36.1581, Manuals, markings, and placards. Several changes to this section are being proposed to address noise level information for new supersonic airplanes that must be made part of the Aircraft Flight Manual (AFM). Proposed paragraph (a)(4) establishes the general AFM requirements involving noise certification for supersonic airplanes.

Paragraph (h) would restrict the maximum weight of the airplane to be the weight at which an LTO cycle noise level that complies with part 36 was established.

The proposed rule would also establish operating limitations in § 36.1581(i) for supersonic airplanes. If applicable, the limitations must be included in the AFM. The FAA seeks comment specifically on §§ 36.1581(i)(2) and (3). Proposed paragraph (i)(2) would require an operating limitation if a VNRS is used to show compliance with the proposed noise limits. The limitation would require the flight crew to verify that the VNRS is functioning properly before each takeoff. This verification of functionality prior to each takeoff is necessary because a malfunctioning or inoperable VNRS would present an immediate noise issue and indicate that the aircraft is not in compliance with part 36 as certificated.

While a VNRS is not required, if a manufacturer chooses to incorporate a VNRS, the FAA proposes a requirement to verify that the VNRS is functioning properly. This requirement is a performance based standard: The FAA does not propose to prescribe the method or technology that a flight crew would use to conduct that verification. To the contrary, how a flight crew is able to verify that any VNRS system is functioning properly is dependent on its design. One way, but not the only way, to verify might be to require it to be part

of a flight crew checklist. Another way could include equipment or technology that would verify functionality prior to takeoff. The FAA intentionally declines to specify design standards to allow manufacturers flexibility and to allow for innovation.

The FAA requests comment on whether developers have an equivalent means for flight crews to ensure the functionality of any certificated VNRS.

The other proposed operating limitation on which the FAA seeks specific comment is in § 36.1581(i)(3) regarding airplanes that incorporate PLR to limit thrust to a programmed level and decrease noise. To exceed PLR thrust after takeoff, the applicant must have demonstrated during testing that ending the programmed thrust does not produce a noise impact on the ground that exceeds the levels measured at the certification measurement points. Until the point at which no effect from increased thrust is determined, the PLR would need to remain in active operation. This point is not specified in these regulations because it is expected to be unique to each airplane design. The point determined for an individual PLR system would become an operating limitation for that airplane.

The intent of the proposed limitation is to account for any noise issues that are unique to the design of a particular supersonic airplane model that may be caused by an increase in thrust when PLR use is completed.

Appendix A to part 36, Aircraft Noise Measurement and Evaluation: Appendix A would be revised to make its procedures applicable to supersonic airplanes. Current Appendix A applies to transport category airplanes, subsonic jet airplanes, and the Concorde. Except as described below, the FAA proposes to require new supersonic airplanes to use the same noise measurement and evaluation conditions and procedures as these other aircraft. Based on the information provided by developers, new supersonic airplanes are expected to be sufficiently similar in design to other jet-powered fixed-wing aircraft such that the requirements in Appendix A remain appropriate for noise certification testing. The FAA seeks comment on whether any of the provisions in Appendix A would not be appropriate for new supersonic airplanes, including what alternative procedures would be appropriate.

One proposed change to Appendix A for supersonic airplanes addresses VNRS reference procedures. When a VNRS (included in new Appendix C) is used to demonstrate compliance with part 36, § A36.9.1.3 would require use of the integrated method of adjustment described in existing § A36.9.4. Rarely are certification flight test conditions ever identical to the reference atmospheric conditions prescribed. Appendix A requires that appropriate adjustments be made to the measured noise data using either a simplified or an integrated method of adjustment, as described in § A36.9. These methods adjust the noise results to account for differences in both the airplane to microphone distance, and the variations in atmospheric conditions between the actual test day and the prescribed reference day. Under current regulations that apply to all aircraft, if the simplified method results in either adjustments that exceed specified decibel levels or a final effective perceived noise evaluation metric level (EPNL) that falls within one decibel of the applicable noise limit, the integrated method of adjustment must instead be used to ensure accuracy. The simplified method adjusts noise only once, at the maximum peak, while the integrated method adjusts at each half-second of the entire noise segment of flight. The integrated method computes EPNL directly by recalculating, under reference conditions, the data points of the tone-corrected perceived noise level time history that corresponds to measured points obtained during testing. The FAA has found that the integrated method of adjustment accounts for the dynamic aspects of VNRS procedures more accurately than the simplified method of adjustment. For that reason, the FAA proposes that the integrated method always be used for supersonics that use VNRS. The simplified method is unable to provide sufficient data processing fidelity of the measured noise signal that is the expected result of VNRS influence in flight.

Appendix C to part 36, ''Noise Levels for Supersonic Airplanes.'' This is a new appendix applicable to supersonic airplanes as defined in this proposed rule. The proposed appendix corresponds to existing Appendix B, which prescribes procedures for determining noise levels for transport category large airplanes, subsonic jet airplanes, and the Concorde. The FAA is proposing to incorporate into the new Appendix C many of the same technical requirements currently in Appendix B for subsonic airplanes, including the EPNL and the reference noise measurement points (lateral, flyover, and approach) because both the metric and reference measurement locations are appropriate in the demonstration of noise certification compliance. Except as noted before, new supersonic airplane designs are anticipated to be similar in their takeoff and landing characteristics as airplanes subject to Appendix B. The FAA seeks comment on whether any of the provisions from Appendix B that are being proposed for inclusion in new Appendix C are inappropriate for new supersonic airplanes, including what alternatives would be appropriate. The primary differences between the appendix requirements are as follows:

Proposed § C36.5 sets the LTO cycle noise limits for SSL1 airplanes. As noted previously in this preamble, the proposed limits are based primarily on NASA's Supersonic Transport Concept Airplanes (STCA) studies. The models and methodologies used in the STCA studies for estimating noise certification levels were developed by NASA using the most advanced physics-based scientific and engineering methods, and were supplemented with 2- and 3-engine supersonic design concepts and data from industry developers.

In seeking to design a supersonic transport based on ''near-term technologies,'' the models produced by NASA researchers generally assumed design elements the researchers perceived as being economically viable and technologically practicable. For example, the notional engines equipped on each modeled aircraft is based on an ''off-the-shelf'' subsonic turbofan. However, there are also a number of design and performance elements assumed into the notional aircrafts that were specifically or secondarily incorporated because of their noise-abatement benefits. The research did not discuss the impacts to noise if these technologies were not included, nor did researchers discuss the cost impacts to design or operation if any of these processes or technologies were excluded.

Relatedly, NASA researchers also explored alternative engine designs that included noise abatement mechanisms not ultimately included in their main noise impact projections. For example, NASA ran one alternative projection for an engine with a higher bypass ratio and second alternative projection for incorporating nozzle chevrons as a noise reduction technology to the original, lower bypass ratio engine. In both cases, NASA found the alternative technologies reduced the effective perceived noise level but came with a reduction in the flight range of the aircraft.

Therefore, while the noise data sets generated by the NASA research indicates a range of potential noise outputs by these modeled aircraft, these noise assumptions are already

constrained by optional design elements the researchers did or did not choose to model as inputs for their final noise projections.

Additional data provided to the FAA by U.S. industry and the ongoing work by the ICAO CAEP were also used to inform the agency's decision on noise limits. All of this technical information served as the basis for noise limits proposed in § C36.5. That section contains the noise limits for 2- or 3-engine supersonic airplanes with a maximum certificated takeoff weights of 150,000 pounds and a maximum operating speed of Mach 1.8 or less.

The FAA proposes SSL1 noise limits and an applicability range using its established noise standard-setting process. The FAA based its proposal on the noise data sets from the NASA STCA program for that agency's 100,000 and 120,000 pound (45- and 55-metric ton) airplanes with two or three engines installed, as well as additional proprietary information from manufacturers developing supersonic airplanes. The FAA plotted these data sets, including associated design and modeling uncertainties, on a coordinate graph based on weight (in pounds) and noise (in EPNdB) for each airplane.

Using this information plotted on the graph, the FAA developed a series of potential limit lines for airplanes of different weights and numbers of engines. The FAA evaluated these potential limit lines taking into account the FAA's statutory considerations of technological feasibility, economic reasonableness, and appropriateness for the aircraft type. This evaluation process relied on the FAA's expertise in noise evaluation of supersonic technologies and their qualitative assessment of the economic and social costs that weigh on the process to determine the intersection of elements that would result in a proposed noise limit line that addressed both industry design needs and agency statutory obligations. The novelty of the technology and the limited data sets result in an inherent uncertainty regarding whether these proposed noise standards fully optimize available noise reduction while considering what is economically reasonable and technologically practicable for modern supersonic aircraft. The FAA's intent in its approach is to set a standard that could require adoption of most or all known noise-abatement technologies to meet the noise limits, including ones that may cause marginal reductions in aircraft performance (*e.g.* reduce flight range), or marginal increases in the cost of manufacturing.

This process resulted in the noise limits proposed in § C36.5. The proposed noise limits represent a range of applicability that takes into account the spectrum of information provided, while also addressing the FAA's statutory responsibilities regarding noise regulation.

As the industry develops and more information becomes available, the FAA will consider whether to broaden the applicability of this proposed rule or establish a separate class for larger or faster supersonic airplanes.[19] The proposed noise limits are consistent with the agency's statutory duty to control and abate aircraft noise while ''consider[ing] whether the standard or regulation is economically reasonable, technologically practicable, and appropriate for the applicable aircraft, aircraft engine, appliance, or certificate.'' [20]

As discussed above, the FAA does not propose to change the fundamental approach to setting noise levels in its existing paradigm. Accordingly, in proposing the SSL1 noise limits, FAA relies on its existing approach, which uses weight as a correlating factor for noise levels. This means that noise limits are applied on a curve taking into account the fact that heavier aircraft will be louder, as weight is a fundamental component of aircraft noise generation. Consistent with the FAA's existing paradigm, the allowance for weight is not unlimited; the noise limits set for various aircraft categories take into account the entire range of aircraft in each category. The FAA does not propose to deviate from this paradigm for supersonic aircraft. Weight remains the correlating factor, without reference to the shape or thrust or other capacity of an individual model. The noise limits proposed in this rulemaking may be summarized as follows:

A three-engine SSL1 airplane that has a maximum takeoff weight of 150,000 pounds may not exceed 94.0 effective perceived noise decibel (EPNdB) at the flyover measurement point, 96.5 EPNdB at the lateral measurement point, and 100.2 EPNdB at the approach measurement point.

A two-engine SSL1 airplane that has a maximum takeoff weight of 150,000 pounds may not exceed 91.0 EPNdB at flyover, 96.5 EPNdB at the lateral measurement point, and 100.2 EPNdB at the approach measurement point.

For SSL1 airplanes that seek certification at a lower maximum takeoff weight, the noise limit would decrease linearly with the logarithm of the airplane weight, at the rates set forth in proposed §§ C36.5(a), (b), and (c), and remain constant for airplanes at or below certain specified weights. This logarithmic decrease mirrors the current requirements applied to subsonic airplanes under Appendix B.

As described above, the FAA does not propose to alter its fundamental paradigm for noise certification as a part of this rule. Accordingly, the FAA sets a proposed cumulative noise limit. The proposed cumulative noise limit is presented in § C36.5(e), which provides that the sum of the differences (*i.e.,* the difference between the limits and maximum levels) at all three measurements points (*i.e.,* flyover, lateral, and approach) may not be less than 13.5 EPNdB.

Proposed § C36.6 specifies the requirements when a VNRS is included in an applicant's design and is used to show compliance with the LTO cycle requirements of part 36. The inclusion of VNRS is intended to enable the incorporation of advanced concepts and systems technologies that reduce noise using fully automated changeable properties or features. The two best known of the VNRS concepts are automated configuration changes, and Programmed Lapse Rate (PLR), as defined in proposed in § 36.1. The FAA does not intend to limit the development of automated noise reduction systems, and under this regulatory provision will consider any design features presented at certification that seek to lessen the LTO cycle noise impacts of supersonic airplanes. When a VNRS is presented as part of an airplane design at certification, it must be accounted for in any reference procedures requested by the applicant, demonstrated, and approved by the FAA before the certification tests are conducted.

Section C36.7 specifies the noise certification reference procedures and conditions that apply to supersonic airplanes, and includes alternative provisions when a VNRS is used. Reference procedures are required conditions and procedures for the measurement of noise at the three reference measurement points (lateral, flyover, and approach). For example, proposed § C36.7(b) specifies takeoff reference procedures that include the minimum height that an airplane must achieve and the engine thrust level that

[19] As noted previously, the FAA anticipates that the parameters for SSL1 noise standards will serve as the foundation for future generations of supersonic airplanes that may exceed the weight and speed limits set in this rule. That said, If the FAA receives an application for an airplane that exceeds the weight or speed limits for SSL1, both the agency and the airplane developer could use the SSL 1 standards as a starting point for establishing an individual certification basis.

[20] 49 U.S.C. 44715(b)(4).

must be used for the noise data to qualify for certification. Use of a VNRS allows the applicant to develop individual reference takeoff and approach procedures that must be approved by the FAA before noise certification testing if the VNRS is used to show compliance with part 36. Each VNRS will likely be different, and the FAA does not yet know how these systems will be implemented in individual supersonic type designs. This proposed rule provides flexibility for the applicant to request alternative takeoff and approach procedures to accommodate varying VNRS designs. Applicants using VNRS must still comply with proposed §§ C36.7(d) *VNRS Takeoff reference procedure* and (e) *VNRS Approach Reference Procedure* when developing any alternative takeoff and approach procedures. Takeoff and approach reference profiles must be defined by applicants in accordance with these requirements so that the measured test data can be properly adjusted for deviations relative to the reference profile and recomputed for reference meteorological conditions. These requirements are intended to ensure that the procedures establish a common reference noise certification basis of standard adjustments and specified reference conditions that each applicant follows when using a VNRS. Such level-setting procedures maintain fairness for all noise certification applicants in demonstrating compliance. As noted previously, use of VNRS to demonstrate compliance with part 36 will require its use during normal operations in accordance with § 36.1581(i).

Section C36.7(b) proposes the minimum cutback height and thrust requirements that are required for subsonic jet airplanes as a standard takeoff reference procedure. When VNRS (including PLR) is used, the takeoff reference procedure to be used prior to reaching minimum cutback height is presented in § C36.7(d).

Section C36.7(c)(5) addresses the weight and configuration of the airplane during standard approach reference procedures. Weight and configuration for approach reference procedures using VNRS are addressed in § C36.7(e)(5). The FAA seeks specific comments regarding any additional considerations that would be appropriate for VNRS approach reference procedures, such as when and how VNRS is triggered on approach, and what indication will be used to show that it is functional and active on approach if used for noise certification. All suggested changes should be supported by additional data as appropriate.

Section C36.8 addresses noise certification test procedures. Noise adjustments for speed and thrust from test to reference conditions follow the same methods of Appendix A, unless VNRS procedures and data adjustments are approved by the FAA.

Interested persons are encouraged to review all of the proposed rule text in detail and submit comments regarding the organization and substance of the requirements for the LTO cycle noise certification of SSL1 airplanes.

IV. Regulatory Notices and Analyses

Changes to Federal regulations must undergo several economic analyses. First, Executive Orders 12866 and 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), as codified in 5 U.S.C. 603 *et seq.,* requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act of 1979 (Pub. L. 96–39), 19 U.S.C. Chapter 13, prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Agreements 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), as codified in 2 U.S.C. Chapter 25, 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). The FAA has provided a more detailed Preliminary Regulatory Impact Analysis of this proposed rule in the docket of this rulemaking. This portion of the preamble summarizes this analysis.

In conducting its analyses, FAA has determined that this proposed rule has benefits that justify its costs. This proposed rule is a significant regulatory action, as defined in section 3(f) of Executive Order 12866, as it raises novel policy issues contemplated under that Executive Order. This proposed rule is also significant under DOT's Regulatory Policies and Procedures for the same reason. The proposed rule would not have a significant economic impact on a substantial number of small entities, would not create unnecessary obstacles to the foreign commerce of the United States, and would not impose an unfunded mandate on State, local, or tribal governments, or on the private sector by exceeding the threshold.

A. Regulatory Evaluation

i. Baseline Problem and Statement of Need

Without this proposal, aircraft developers would not be certain that their aircraft could qualify for type certification in the United States. As previously discussed, some U.S. manufacturers have begun developing the next generation of supersonic airplanes. Current regulations do not include noise standards applicable to supersonic airplanes, and the FAA's statutory authority requires that noise regulations be in place before a new aircraft type certificate may be issued. The FAA is proposing to amend its noise certification regulations to apply to new supersonic airplanes, and to adopt noise certification procedures and noise limits that would apply during the takeoff and landing (LTO) cycle of certain new supersonic airplanes. Aircraft developers have indicated their need for the FAA to establish noise limits in order to complete their designs with reasonable certainty that the aircraft will qualify for type certification in the United States.

ii. Enabled Supersonic Aircraft Potentially Qualifying for Type Certification

As previously discussed, aircraft developers provided FAA with information and indicated that new supersonic-capable designs could enter service in the mid- to late-2020s. Based on this data and the proposed range of applicability, the FAA estimates two supersonic airplanes, one 2-engine and one 3-engine, with maximum certificated takeoff weight of 150,000 pounds and a maximum operating speed of Mach 1.8, would qualify for type certification as a result of this proposal and potentially begin production by 2025.

Based on data provided by aircraft developers and supersonic airplane studies, the FAA estimates a production of 25 airplanes per certificate for 50 total airplanes per year, a production period of ten years, and airplane life of 20 years. Aircraft developers indicate that 50 percent or more of production would be sold to foreign operators. Therefore, the potential life cycle of the first U.S. civil supersonic fleet results in deliveries to U.S. operators of 25 airplanes per year (same to foreign operators) until the U.S. operating fleet reaches a potential peak of 250 airplanes

in 2034.[21] We use these estimates to frame our analysis of future impacts. The FAA seeks comment on its estimate of the expected timing for development of supersonic aircraft and on its estimate of production volumes.

There is uncertainty with estimating a future U.S. civil supersonic fleet. The FAA acknowledges that data from current and future research and development of supersonic aircraft along with additional regulatory changes may expand the size of the future U.S. civil supersonic fleet. In addition, this proposal only provides a standard for potentially qualifying for type certification—it does not guarantee certification and does not fully enable or guarantee future production or domestic operation. The effect of current U.S. regulations may limit future operations. The existing prohibition on exceeding Mach 1 over land in the United States would limit any supersonic airplane to subsonic speeds while operated in the United States; the proposed regulations would cover only subsonic operation during departure and arrival at airports.

iii. Incremental Change of Proposed LTO Cycle Noise Limits

The impact of the incremental change in the certificated noise level resulting from the proposed LTO cycle noise limits is low. The FAA looked at the average cumulative noise level of airplanes in the 2034 subsonic fleet and the cumulative noise levels of the 2- and 3-engine supersonic airplanes that would be covered under this proposed rule.

The 2034 subsonic fleet has a median certificated noise level, expressed in EPNdB level, of 267.1 and a mean certificated noise level of almost the same at 267.0 with a standard deviation of 11.3.[22] The anticipated certification noise levels of the 2-engine supersonic airplane is 269.3, a noise level at the 57th percentile of the subsonic fleet, meaning that 57 percent of the airplanes in the subsonic fleet in 2034 would have overall lower certification noise levels and 43 percent have overall higher certification noise levels than the 2-engine supersonic airplane. The anticipated certification noise level of the 3-engine supersonic airplane is 274.5, a noise level at the 74th percentile of the subsonic fleet. The noise level of the 2-engine supersonic is just one-fifth of a standard deviation above the mean of the airplanes in the subsonic fleet and the 3-engine supersonic airplane is just two-thirds of a standard deviation above the mean of the airplanes in the subsonic fleet. In addition, the number of supersonic airplanes potentially enabled by the proposal (*i.e.,* those supersonic airplane models expected to be certificated as SSL1) is small and would represent less than three percent of the combined subsonic and supersonic U.S. fleet in 2034. Therefore, while the anticipated certification noise levels of the supersonic airplanes are higher than the average certificated level of airplanes in the subsonic fleet, the difference is moderate.

iv. Benefits and Costs

For more than a decade, airplane producers interested in developing the next generation of supersonic airplanes have sought standards in the form of regulatory noise limits. Without such limits, potential producers are reluctant to expend millions of dollars on airplane designs that might ultimately fail to meet a future noise standard. The FAA has been unable to set such standards without knowing what is possible by way of noise mitigation for new designs.

This proposed rule is the first step in bridging that gap. Aircraft developers have shared data on their designs and a range of expected noise levels. In turn, the FAA has used that information along with the work conducted by NASA to propose these LTO cycle noise limits for a certain size supersonic-capable airplane. Accordingly, the primary benefit of this proposed certification rule is that it reduces a current barrier to the development of the next generation of supersonic aircraft. This is accomplished through the establishment of a design and noise standard for developers and producers, providing them some reasonable certainty that their investments will result in airplanes that meet noise regulations that have been adopted by the FAA.

The proposed rule supports future innovation in new supersonic designs that incorporate advanced technologies, such as VNRS, that reduce the noise at takeoff and landing to the greatest extent possible while allowing the airplane to operate safely. The proposed standards are designed to allow maximum flexibility for the manufacturers to enhance designs using advances in technology. The FAA seeks to allow the maximum latitude for these designs while they are still in their infancy.

The FAA seeks comment on the following issues related to the impacts of the proposal:

- The potential noise effects of the proposed standard and how these might be analyzed;
- The expected time savings or other benefits to the travelling public from the ability to travel via supersonic airplane instead of subsonic airplane;
- The manufacturing costs of possible technologies that manufacturers are likely to use to meet the standard and their effects on performance, weight and safety; and
- The costs and benefits of alternative noise limits or reference procedures and their impacts on costs and benefits to manufacturers, airlines and the public, including the likely choice of alternative compliance technologies.

The proposed rule has a positive effect on the development of U.S. standards and industry for both domestic and international markets. The proposal provides an initial benchmark for the international development of standards for supersonic LTO cycle noise that would have a positive effect on the innovation and expansion of the U.S. supersonic airplane and transport industry. As previously discussed, aircraft developers indicate that 50 percent or more of production would be delivered to foreign operators.

The establishment of certification LTO cycle noise standards for subsonic operations of supersonic-capable airplanes allows industry and FAA to look at the impact of subsonic operations on noise with more certainty. When these aircraft are designed, certificated, and placed in service, knowledge of these noise limits will make it easier to determine the subsonic impacts at individual airports, which is necessary for approval of operations specifications within the United States.

This proposal does not result in additional required regulatory costs. Issuance of a type certificate requires compliance with the applicable noise requirements of part 36. Full noise certification testing is required for each new aircraft type and for certain voluntary changes to type design that are classified as an acoustical change under § 21.93(b). The noise certification costs occur for new type certification, or when a change to a type design results from an acoustical change. Because the requirements for noise certification already exist, any associated costs are not incremental costs of this proposal.[23]

[21] By 2034, U.S. aircraft developers could potentially produce 500 supersonic airplanes operating domestically and abroad.

[22] When the mean and median are the same, it may imply a standard normal distribution and symmetry of the database distribution without significant outliers.

[23] In the Paperwork Reduction Act section of this proposal, the FAA provides estimates of changes to the paperwork related burden and the cost to

Continued

As previously discussed, this proposal would allow the use of VNRS during noise certification testing and during normal operation of certificated airplanes. Based on industry information, these systems are being developed without this rulemaking as part of the designs themselves to reduce the noise produced by these supersonic airplanes. Because no VNRS are currently certificated on airplanes, this proposal adds VNRS to part 36 as an option for producers to use in their designs. Because VNRS is not a requirement, it is not an additional cost of the proposal. Rather, the addition of VNRS incorporates current industry innovation, and the failure to allow this technology would result in costs to industry.

v. Alternatives Considered

No Action. The alternative of ''no action'' would entail the foregone opportunity to develop civil supersonic airplanes with a subsonic LTO cycle noise certification that reduces noise at takeoff and landing to the greatest extent possible while allowing the airplane to operate safely. In addition, Congress directed the FAA to exercise leadership in the creation of policies, regulations, and standards relating to the certification and safe and efficient operation of civil supersonic aircraft.[24] The FAA was directed to take action to advance the deployment of supersonic aircraft, both domestically and internationally, through the development of proposed noise certification standards to address the constraints of noise and enable supersonic flight. This proposed rule responds to this Congressional direction.

No constraint on maximum certificated take-off weight and speed. The proposed rule applies only to supersonic airplanes with maximum certificated take-off weight of 150,000 pounds and maximum operating cruise speed of Mach 1.8. The FAA considered, but rejected, a proposed rule with no limit on maximum certificated take-off weight or Mach speed. Neither the NASA STCA analyses nor the aircraft data provided by industry were sufficient to provide a technically feasible basis to allow a reasonable estimate of certification noise limits for an open-ended set of aircraft weights and Mach speeds; the goal remains a set of certification standards that would reduce noise to the greatest extent possible while allowing the airplane to operate safely.

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 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. However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, § 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

Based on industry information, the FAA estimates two U.S. aircraft developers to apply for part 36 LTO cycle noise certification under this proposed rule. These developers are large entities that have a variety of private and public partnerships and high levels of investment capable of designing and producing the next generation of technically advanced and high value supersonic aircraft.

As discussed in the Regulatory Evaluation section, the FAA expects this proposed rule would have small certification costs on affected entities developing supersonic airplanes. In addition, this proposed rule would result in positive business impacts since it would establish a design and noise standard for entities developing and producing supersonic airplanes, providing them some reasonable certainty that their investments will result in airplanes that meet noise regulations.

Therefore, as provided in § 605(b), the head of the FAA certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39) 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 this Act, 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 assessed the effect of this proposed rule and determined that its purpose would be to allow supersonic-capable aircraft to be noise certificated in the United States, which will permit domestic subsonic LTO cycle operations and supersonic operations outside U.S. airspace and would not pose an unnecessary obstacle to the foreign commerce of the United States. Therefore, the rule would comply with the Trade Agreements Act.

D. Unfunded Mandate 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 final rule does not contain such a mandate. Therefore, the requirements of Title II of the 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

comply with the existing information collection as required by the Paperwork Reduction Act and related Office of Management and Budget (OMB) guidance. These costs are not a result of a new collection requirement.

[24] Section 181 of the Federal Aviation Administration Reauthorization Act of 2018 (*https://www.congress.gov/115/bills/hr302/BILLS-115hr302enr.pdf*).

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 OMB control number.

This action contains the following proposed amendments to the existing information collection requirements previously approved under OMB Control Number 2120–0659. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has submitted these proposed information collection amendments to OMB for its review.

In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intent to request OMB approval to revise an existing information collection. The information is collected when an applicant seeking noise certification of aircraft demonstrates noise compliance in accordance with 14 CFR part 36. The demonstration of compliance by submitting noise test data was originally implemented under the Aircraft Noise Abatement Act of 1968, and is now part of the overall codification of aircraft noise authority in 49 U.S.C. 44715.

You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility, and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The FAA will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Background: The aircraft noise certification regulations of 14 CFR part 36 currently include information collection requirements for the certification of subsonic airplanes (jet airplanes and subsonic transport category large airplanes). The information collected are the results of noise certification tests that demonstrate compliance with 14 CFR part 36. The original information collection was implemented to show compliance in accordance with the Aircraft Noise Abatement Act of 1968; that statute is now part of the overall codification of the FAA's regulatory authority over aircraft noise in 49 U.S.C. 44715.

Appendix A to part 36, § A36.5.2, requires applicants to include test results in their noise certification compliance report. Aircraft certification applicants typically certificate an airplane model once. The current information collection estimate includes 14 noise certification projects involving flight tests undertaken each year. For this NPRM, the FAA proposes to revise this PRA collection to include noise tests on supersonic aircraft, for an increased estimate of 16 total noise certification projects per year. The FAA estimates that there are two entities that would submit applications for certification of supersonic airplanes under this proposal. Each applicant's collected information is incorporated into a noise compliance report that is provided to and approved by the FAA. The noise compliance report is used by the FAA in making a finding that the airplane is in compliance with the regulations. These compliance reports are required only once when an applicant wants to certificate an aircraft type. Without this data collection, the FAA would be unable to make the required noise certification compliance finding. The proposed PRA data collection revisions are as follows:

Respondents: Aircraft manufacturer/applicant seeking type certification;

Frequency: Estimated 16 total applicants per year, which includes a proposed increase of 2 new supersonic airplane applications;

Estimated Average Burden per Response: Estimated 200 hours per applicant for the compliance report; and

Estimated Total Annual Burden: $25,000 per applicant or cumulative total $400,000 per year for 16 applicants.

F. International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these regulations; ICAO does not currently have standards for subsonic LTO cycle of supersonic capable airplanes.

G. Environmental Analysis

In accordance with the provisions of regulations issued by the Council on Environmental Quality (40 CFR parts 1500–1508), FAA Order 1050.1F identifies certain FAA actions that may be categorically excluded from the preparation of an Environmental Assessment or an Environmental Impact Statement. The FAA has determined that this NPRM is covered by the CATEX described in paragraph 5–6.6(d) of FAA Order 1050.1F. Pursuant to FAA Order 1050.1F, paragraph 5–5.6(d), this rulemaking action qualifies for a categorical exclusion because no significant impacts to the environment are expected from publication of this NPRM. This CATEX finding applies only to this proposed rule. The FAA will initiate a separate review of any final rule, including the adoption of any supersonic airplane noise certification standards that would permit the subsonic operation of such airplanes in the United States.

V. 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 (64 FR 43255, August 10, 1999). The agency has determined that this action would 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, would 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 (66 FR 28355, May 18, 2001). The agency has determined that it would not be a ''significant energy action'' under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation (77 FR 26413, May 4, 2012) 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.

D. Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

This proposed rule is a deregulatory action under Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs (82 FR 9339, February 3, 2017). Details on the enabling aspects

of this proposed rule that expand production and consumption options can be found in the Regulatory Evaluation.

VI. 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 agency may change this proposal in light of the comments it receives.

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.'' 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 identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. Any information the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the internet by—

- Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);
- Visiting the FAA's Regulations and Policies web page at *http://www.faa.gov/regulations_policies;* or
- Accessing the Government Publishing 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 above.

C. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official, or the person identified in the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects

14 CFR Part 21

Aircraft, Aviation safety, Exports, Imports, Reporting and recordkeeping requirements.

14 CFR Part 36

Aircraft, Noise control.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend chapter I of Title 14, Code of Federal Regulations as follows:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND ARTICLES

■ 1. The authority citation for part 21 is revised to read as follows:

Authority: 42 U.S.C. 7572; 49 U.S.C. 106(f), 106(g), 40105, 40113, 44701–44702, 44704, 44707, 44709, 44711, 44713, 44715, 45303; Pub. L. 115–254.

■ 2. Amend § 21.93 by revising paragraph (b)(2) and adding paragraph (b)(6) to read as follows:

§ 21.93 Classification of changes in type design.

* * * * *

(b) * * *

(2) Subsonic jet (Turbojet powered) airplanes (regardless of category) and Concorde airplanes. For airplanes to which this paragraph applies, ''acoustical changes'' do not include changes in type design that are limited to one of the following—

* * *

(6) Supersonic airplanes.

* * * * *

PART 36—NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

■ 3. The authority citation for part 36 is revised to read as follows:

Authority: 42 U.S.C. 4321 *et seq.;* 49 U.S.C. 106(g), 40113, 44701–44702, 44704, 44715; sec. 305, Pub. L. 96–193, 94 Stat. 50, 57; E.O. 11514, 35 FR 4247, 3 CFR, 1966–1970 Comp., p. 902; Pub. L. 115–254.

■ 4. Amend § 36.1 by
■ a. Adding paragraph (a)(6);
b. Revising paragraph (c);
■ c. Revising the introductory text of paragraph (d);
■ d. Revising the introductory text of paragraph (f);
■ e. Revising paragraph (g);
■ f. Removing and reserving paragraph (f)(8); and
■ e. Adding paragraph (j).

The additions and revisions read as follows:

§ 36.1 Applicability and definitions.

(a) * * *

(6) Type certificates, changes to those certificates, and standard airworthiness certificates, for supersonic airplanes.

* * * * *

(c) Each person who applies under part 21 of this chapter for approval of an acoustical change described in § 21.93(b) of this chapter must show that the aircraft complies with the applicable provisions of §§ 36.7, 36.9, 36.11, 36.13, or 36.15 of this part in addition to the applicable airworthiness requirements of this chapter.

(d) Each person who applies for the original issue of a standard airworthiness certificate for a transport category large airplane or for a subsonic jet airplane under § 21.183 must, regardless of date of application, show compliance with the following

provisions of this part (including appendix B):

* * * * *

(f) For the purpose of showing compliance with this part for transport category large airplanes and subsonic jet airplanes regardless of category, the following terms have the following meanings:

* * * * *

(g) For the purpose of showing compliance with this part for transport category large airplanes and subsonic jet airplanes regardless of category, each airplane may not be identified as complying with more than one stage or configuration simultaneously.

* * * * *

(j) For the purpose of showing compliance with this part, for supersonic airplanes regardless of category, the following terms have the meanings specified:

Landing and Takeoff (LTO) cycle, as used in reference to a supersonic airplane, means the segments of subsonic flight that include flyover, lateral and approach noise levels prescribed in appendix C of this part.

Programmed Lapse Rate (PLR) is a fully automated feature incorporated into the engine controls as part of the engine thrust rating structure as a means of reducing noise.

Supersonic airplane means—

(i) An airplane:

(A) For which the maximum operating limit speed, M_{mo}, exceeds a Mach number of 1; and

(B) That receives an original type certificate after [EFFECTIVE DATE OF FINAL RULE].

(ii) Does not include any Concorde model airplane. No regulation in this part that references the Concorde applies to any non-Concorde supersonic airplane.

Supersonic Level 1 (SSL1) noise level means a noise level at or below the noise limit prescribed in § C36.5 of appendix C to this part.

Variable Noise Reduction System (VNRS) is a dynamic system integrated into the design of an aircraft that functions automatically to produce a change in the configuration of the aircraft to reduce noise. Such systems may include:

(i) Hardware or software components that control engine parameters or airframe configuration; or

(ii) Controls initiated through a flight management system as a means of noise reduction during normal operation.

■ 5. Amend § 36.7 by revising the section heading and paragraph (a) to read as follows:

§ 36.7 Acoustical change: Transport category large airplanes and subsonic jet airplanes.

(a) *Applicability.* This section applies to all transport category large airplanes and subsonic jet airplanes for which an acoustical change approval is applied for under § 21.93(b) of this chapter.

* * * * *

■ 6. Add § 36.15 to subpart A to read as follows:

§ 36.15 Acoustical change: Supersonic airplanes.

(a) *Applicability.* This section applies to all supersonic airplanes for which an acoustical change approval is applied for under § 21.93(b) of this chapter.

(b) *General requirements.* For supersonic airplanes, the acoustical change approval requirements are as follows:

(1) In showing compliance, noise levels must be measured and evaluated in accordance with the applicable procedures and conditions prescribed in appendix A of this part.

(2) Compliance with the SSL1 noise limits prescribed in § C36.5 of appendix C of this part must be shown in accordance with the applicable provisions of §§ C36.7 and C36.8 of appendix C of this part.

(c) If a supersonic airplane is an SSL1 airplane prior to a change in type design, after a change in type design it must remain an SSL1 airplane as specified in § C36.5 of appendix C of this part.

■ 7. Revise the heading of subpart B to read as follows.

Subpart B—Transport Category Large Airplanes and Subsonic Jet Airplanes

■ 8. Amend § 36.101 to read as follows:

For subsonic transport category large airplanes and subsonic jet powered airplanes the noise generated by the airplane must be measured under appendix A of this part or under an approved equivalent procedure.

■ 9. Revise the heading of subpart D to read as follows.

Subpart D—Noise Limits for Concorde Airplanes

■ 10. Add subpart E to read as follows:

Subpart E —Noise Limits for Supersonic Airplanes

Sec.

36.401 Noise measurement and evaluation.

36.403 Noise limits.

§ 36.401 Noise measurement and evaluation.

For supersonic airplanes, the noise generated by the airplane must be measured and evaluated in accordance with appendix A of this part or an approved equivalent procedure.

§ 36.403 Noise limits.

For supersonic airplanes, compliance with this section is determined by:

(a) Tests conducted in accordance with § 36.401 of this part.

(b) Demonstration of the noise levels produced using the reference procedures and conditions in § C36.7, and the test procedures of § C36.8 of appendix C of this part or an approved equivalent procedure.

(c) For an airplane for which type certification application is made after [EFFECTIVE DATE OF FINAL RULE], the noise levels demonstrated may not exceed the SSL1 noise limits prescribed in § C36.5(c) of appendix C of this part.

■ 11. Amend § 36.1581 by:

■ a. Revising paragraph (a)(1);

■ b. Adding paragraph (a)(4);

■ c. Revising paragraph (d);

■ d. Removing and reserving paragraph (g); and

■ e. Adding paragraph (h) and (i).

The additions and revisions read as follows:

§ 36.1581 Manuals, markings, and placards.

(a) * * *

(1) For transport category large airplanes, subsonic jet airplanes, and the Concorde, the noise level information must be one value for each flyover, lateral, and approach as defined and required by appendix B of this part, along with the maximum takeoff weight, maximum landing weight, and configuration.

* * * * *

(4) For supersonic airplanes, LTO cycle noise level information must:

(i) Be determined in accordance with appendix C of this part;

(ii) Be one value for each flyover, lateral, and approach condition as defined; and

(iii) Correspond to the maximum takeoff weight, the maximum landing weight, and the configuration for each of these conditions.

* * * * *

(d) For transport category large airplanes and subsonic jet airplanes, for which the weight used in meeting the takeoff or landing noise requirements of this part is less than the maximum weight established under the applicable airworthiness requirements, those lesser weights must be furnished, as operating limitations in the operating limitations section of the Airplane Flight Manual. Further, the maximum takeoff weight must not exceed the takeoff weight that

is most critical from a takeoff noise standpoint.

* * * * *

(h) For supersonic airplanes, no maximum landing or takeoff weight may exceed the weight used to establish an LTO cycle noise level that shows compliance with this part.

(i) The following conditions each require an operating limitation that must be included in the operating limitations section of the Airplane Flight Manual.

(1) When any weight used in showing compliance with an LTO cycle noise requirement of this part is less than the maximum weight established under the applicable airworthiness requirements, the weight used to show compliance with a noise requirement of this part becomes an operating limitation.

(2) When a VNRS has been used to show compliance with the SSL1 noise limits of § C36.5 of appendix C of this part, or with the reference procedures of §§ C36.7(d) and C36.7(e) of appendix C of this part, the flight crew must ensure that the VNRS is functioning properly prior to takeoff;

(3) When PLR has been used to show compliance with the SSL1 noise limits of § C36.5 of appendix C of this part, or with the reference procedures of §§ C36.7(d) and C36.7(e) of appendix C of this part, the airplane may not be programmed to exceed PLR thrust during normal operations except at specified thrust levels for which the airplane has been shown not to cause any significant noise impact on the ground.

■ 12. In appendix A to part 36 revise the heading and § A.36.1.1 to read as follows:

Appendix A to Part 36—Aircraft Noise Measurement and Evaluation

* * * * *

A36.1.1 This appendix prescribes the conditions under which airplane noise certification tests must be conducted and states the measurement procedures that must be used to measure airplane noise. This appendix also describes the procedures that must be used to determine the noise evaluation quantity designated as effective perceived noise level, EPNL, as referenced in §§ 36.101, 36.401 and 36.803.

* * * * *

■ c. Revise the note to § A36.2.1.1 to read as follows:

* * * * *

Note: Many noise certifications involve only minor changes to the airplane type design. The resulting changes in noise can often be established reliably without resorting to a complete test as outlined in this appendix. For this reason, the FAA permits the use of approved equivalent procedures. There are also equivalent procedures that may be used in full certification tests, in the interest of reducing costs and providing reliable results. Guidance material on the use of equivalent procedures in the noise certification of subsonic jet, propeller-driven large airplanes, and supersonic airplanes is provided in the current advisory circular for this part.

* * * * *

■ d. Revise paragraph A36.5.2(h)(1) to read as follows:

* * * * *

A36.5.2.5 * * *

(h) * * *

(1) For subsonic jet airplanes and supersonic airplanes: engine performance in terms of net thrust, engine pressure ratios, jet exhaust temperatures and fan or compressor shaft rotational speeds as determined from airplane instruments and manufacturer's data for each test run;

* * * * *

■ e. Revise paragraph A36.9.1.3 to read as follows:

* * * * *

A36.9.1.3 For supersonic airplanes, the integrated method of adjustment, described in § A36.9.4, must be used when VNRS reference procedures in C36.7(d) and C36.7(e) are used to demonstrate compliance with this part.

* * * * *

■ 13. Revise the heading of appendix B to part 36, to read as follows.

Appendix B to Part 36—Noise Levels for Transport Category and Subsonic Jet Airplanes Under § 36.103 and Concorde Airplanes Under § 36.301

■ 14. Add appendix C to part 36 to read as follows:

Appendix C to Part 36—Noise Levels for Supersonic Airplanes

Sec.

C36.1 Noise Measurement and Evaluation.
C36.2 Noise Evaluation Metric.
C36.3 Reference Noise Measurement Points.
C36.4 Test Noise Measurement Points.
C36.5 Noise Limits.
C36.6 Use of a Variable Noise Reduction System (VNRS).
C36.7 Noise Certification Reference Procedures and Conditions.
C36.8 Noise Certification Test Procedures.

Section C36.1 Noise Measurement and Evaluation

The procedures of appendix A of this part, or approved equivalent procedures, must be used to determine the noise levels of a supersonic airplane. The noise levels determined using these procedures must be used to show compliance with the requirements of this appendix.

Section C36.2 Noise Evaluation Metric

The noise evaluation metric is the effective perceived noise level expressed in EPNdB, as calculated using the procedures of appendix A of this part.

Section C36.3 Reference Noise Measurement Points

When tested using the procedures of this part, an airplane may not exceed the noise levels specified in § C36.5 at the following points on level terrain:

(a) *Lateral full-power reference noise measurement point:* The point on a line parallel to and 1,476 feet (450 meters) from the runway centerline, or extended centerline, where the noise level after lift-off is at a maximum during takeoff. When approved by the FAA, the maximum lateral noise at takeoff thrust may be assumed to occur at the point (or its approved equivalent) along the extended centerline of the runway where the airplane reaches 985 feet (300 meters) altitude above ground level. The altitude of the airplane as it passes the noise measurement points must be within + 328 to − 164 feet (+100 to − 50 meters) of the target altitude.

(b) *Flyover reference noise measurement point:* The point on the extended centerline of the runway that is 21,325 feet (6,500 meters) from the start of the takeoff roll;

(c) *Approach reference noise measurement point:* The point on the extended centerline of the runway that is 6,562 feet (2,000 meters) from the runway threshold. On level ground, this corresponds to a position that is 394 feet (120 meters) vertically below the 3-degree descent path, which originates at a point on the runway 984 feet (300 meters) beyond the threshold.

Section C36.4 Test Noise Measurement Points

(a) If the test noise measurement points are not located at the reference noise measurement points, any corrections for the difference in position are to be made using the same adjustment procedures as for the differences between test and reference flight paths.

(b) The applicant must use a sufficient number of lateral test noise measurement points to demonstrate to the FAA that the maximum noise level on the appropriate lateral line has been determined. For supersonic airplanes, simultaneous measurements must be made at one test noise measurement point at its symmetrical point on the other side of the runway. The measurement points are considered to be symmetrical if they are

longitudinally within 33 feet (±10 meters) of each other.

Section C36.5 Noise Limits

When determined in accordance with the noise evaluation methods of appendix A of this part, the noise levels of a Supersonic Level 1 airplane may not exceed the following:

(a) *Flyover.*

(1) For an airplane with three engines:

(i) For which noise certification is requested at a maximum certificated takeoff weight (mass) of 150,000 pounds (68,039 kilograms (kg)), the noise limit is 94.0 EPNdB.

(ii) For which noise certification is requested at a maximum certificated takeoff weight of less than 150,000 pounds (68,039 kg), the noise limit begins at 94.0 EPNdB and decreases linearly with the logarithm of the airplane weight (mass) at the rate of 4 EPNdB per halving of weight (mass) down to 89 EPNdB at 63,052 pounds (28,600 kg) after which the limit is constant.

(2) For an airplane with two engines or fewer:

(i) For which noise certification is requested at a maximum certificated takeoff weight (mass) of 150,000 pounds (68,039 kg), the noise limit is 91.0 EPNdB.

(ii) For which noise certification is requested at a maximum certificated takeoff weight (mass) of less than 150,000 pounds (68,039 kg), the noise limit begins at 91.0 EPNdB and decreases linearly with the logarithm of the airplane weight (mass) at the rate of 4 EPNdB per halving of weight (mass) down to 89 EPNdB at 106,042 pounds (48,100 kg), after which the limit is constant.

(b) *Lateral.* Regardless of the number of engines, for an airplane at the reference noise measurement point:

(1) For which noise certification is requested at a maximum certificated takeoff weight (mass) of 150,000 pounds (68,039 kg) the noise limit is 96.5 EPNdB.

(2) For which noise certification is requested at a maximum certificated take-off weight (mass) of less than 150,000 pounds (68,039 kg), the noise limit begins at 96.5 EPNdB and decreases linearly with the logarithm of the weight (mass) down to 94 EPNdB at 77,162 pounds (35,000 kg), after which the limit remains constant.

(c) *Approach.* Regardless of the number of engines, for an airplane:

(1) For which noise certification is requested at a maximum certificated takeoff weight (mass) of 150,000 pounds (68,039 kg) the noise limit is 100.2 EPNdB.

(2) For which noise certification is requested at a maximum certificated takeoff weight (mass) of less than 150,000 pounds (68,039 kg), the noise limit begins at 100.2 EPNdB and decreases linearly with the logarithm of the mass down to 98 EPNdB at 77,162 pounds (35.0k kg), after which the limit remains constant.

(d) No airplane may exceed the noise limits described in this section at any measurement point.

(e) The sum of the differences at all three measurement points between the maximum noise levels and the noise limits specified in §§ C36.5(a), C36.5(b) and C36.5(c) may not be less than *13.5* EPNdB.

Section C36.6 Use of a Variable Noise Reduction System (VNRS)

For any airplane that includes a VNRS as part of an airplane design for noise certification, the applicant must—

(a) Submit reference procedures to be approved by the FAA as part of its noise certification test plan.

(b) Demonstrate the approved VNRS reference procedures for takeoff as defined in § C36.7(d), or for approach as defined in C36.7(e), when conducting certification tests.

Section C36.7 Noise Certification Reference Procedures and Conditions

(a) *General conditions:*

(1) All reference procedures must meet the requirements of § 36.3 of this part.

(2) Calculations of airplane performance and flight path must be made using the reference procedures and must be approved by the FAA.

(3) Standard reference procedures—When using standard reference procedures, the following apply—

(i) For takeoff, § C36.7(b);

(ii) For lateral, § C 36.7(b)(3); and

(iii) For approach, § C36.7(c).

(4) VNRS reference procedures—For airplanes that use a VNRS, the following reference procedures apply—

(i) For takeoff and lateral, § C36.7(d); and

(ii) For approach, § C36.7(e).

(5) The following reference conditions must be specified in the reference procedures. When used for the calculation of atmospheric absorption coefficients, the reference atmosphere is homogeneous in terms of temperature and relative humidity.

(i) Sea level atmospheric pressure of 2,116 pounds per square foot (psf) (1013.25 hPa);

(ii) Ambient sea-level air temperature of 77 °F (25 °C, *i.e.,* ISA + 10 °C);

(iii) Relative humidity of 70 percent;

(iv) Zero wind.

(v) In defining the reference takeoff flight path(s) for the takeoff and lateral noise measurements, the runway gradient is zero.

(b) *Standard takeoff reference procedure:*

The takeoff reference flight path must be calculated using the following:

(1) The takeoff thrust/power used must be the maximum specified by the applicant for normal takeoff operations (and is presumed to be less than maximum thrust/power for supersonic cruise speed) as listed in the performance section of the airplane flight manual under the reference atmospheric conditions given in § C36.7(a)(5). Average engine takeoff thrust or power must be used from brake release to the point where the minimum height above runway level is reached, as follows—

The minimum height to be used—

(i) For airplanes with three engines: 853 feet (260 meters).

(ii) For airplanes with two engines or fewer: 984 feet (300 meters).

(2) Upon reaching the height specified in paragraph (b)(1) of this section, airplane thrust or power must not be reduced below that required to maintain the greater of—

(i) A climb gradient of 4 percent; or

(ii) For multi-engine airplanes, level flight with one engine inoperative.

(3) To determine the lateral noise level, the reference flight path must be calculated using full takeoff power throughout the test run without a reduction in thrust or power.

(4) The takeoff reference true airspeed is the all-engine operating takeoff climb speed using the procedures approved by the FAA—

(i) For the shortest runway on which the airplane is approved to operate;

(ii) When the aircraft reaches the measurement location distance from brake release.

(iii) That is determined by the applicant when calculating the reference profile using the reference conditions stated in § C36.7(5).

(iv) The reference speed may not exceed 250 knots.

(5) The takeoff configuration selected by the applicant and approved by the FAA must be maintained constantly throughout the takeoff reference procedure, except that the landing gear may be retracted.

(6) The weight of the airplane at the brake release must be the maximum takeoff weight at which the noise certification is requested. This weight may be required as an operating limitation in accordance with § 36.1581(i) of this part; and

(7) The average engine is defined as the average of all the certification

compliant engines used during the airplane flight tests, up to and during certification, when operating within the limitations, and according to the procedures given in the Flight Manual. This will determine the relationship of thrust/power to control parameters (*e.g.,* N1 or EPR). Noise measurements made during certification tests must be corrected using this relationship.

(c) *Standard approach reference procedure:*

The approach reference flight path must be calculated using the following:

(1) The airplane is stabilized and following a 3-degree glide path;

(2) A steady approach speed of Vref + 10 kts (Vref + 19 km/h) with thrust and power stabilized must be established and maintained over the approach measuring point.

(3) The constant approach configuration used in the airworthiness certification tests, but with the landing gear down, must be maintained throughout the approach reference procedure;

(4) The weight of the airplane at touchdown must be the maximum landing weight permitted in the approach configuration defined in paragraph (c)(3) of this section at which noise certification is requested. This weight may be required as an operating limitation in accordance with § 36.1581(i) of this part; and

(5) The weight at which certification is requested, with the airplane in the most critical configuration, defined as—

(i) That which produces the highest noise level with normal deployment of aerodynamic control surfaces including lift and drag producing devices, and

(ii) All equipment listed in § A36.5.2.5 of appendix A of this part that can be operated during normal flight.

(d) *VNRS Takeoff reference procedure:*

(1) The VNRS takeoff reference flight path is to be specified by the applicant using the following—

(i) Maximum engine takeoff thrust or power (of an average engine) used to determine takeoff true airspeed from brake release to the activation of VNRS using the reference atmospheric conditions of § C36.7(a)(5).

(ii) The segment of the flight path from the activation of VNRS to the point at which VNRS is no longer active;

(iii) The applicant must maintain climb power throughout the remaining segment of the reference flight path;

(iv) The following minimum heights must be reached before engine cutback is initiated:

(A) For airplanes with three engines: 853 feet (260 meters);

(B) For airplanes with two engines or fewer: 984 feet (300 meters); and

(v) Upon reaching the height specified in paragraph (d)(4) of this section, airplane thrust or power must not be reduced below that required to maintain either of the following, whichever is greater:

(A) A climb gradient of 4 percent; or

(B) In the case of multi-engine airplanes, level flight with one engine inoperative.

(2) The VNRS reference flight path determined under paragraph (d)(1) of this section must be used when demonstrating and measuring the lateral noise level to show compliance with § C36.5 of this appendix.

(3) The takeoff reference true airspeed to be used is calculated using the all engine operating takeoff climb speed, as determined using—

(i) The shortest approved runway length;

(ii) Maximum certificated takeoff weight at which the noise certification is requested, which may result in an operating limitation as specified in § 36.1581(d);

(iii) The reference conditions stated in § C36.7(5);

(iv) The calculated true airspeed at the overhead measurement point, defined in § C36.3(b);

(v) The takeoff reference true airspeed must be attained as soon as practicable after lift-off; and

(vi) The takeoff reference true airspeed may not exceed 250 knots;

(4) For all airplanes, noise values measured during testing must be corrected to the reference acoustic day takeoff speed.

(5) The takeoff configuration selected by the applicant and approved by the FAA must be maintained throughout the takeoff reference procedure, except that the landing gear may be retracted; and

(6) The weight of the airplane at brake release must be the maximum takeoff weight at which noise certification is requested. This weight may be required as an operating limitation in accordance with § 36.1581(i) of this part; and

(7) As used in paragraph (d)(1)(i) of this section, average engine means the average of all the certification compliant engines used during the airplane flight tests, up to and during certification, when operating within the limitations and according to the procedures given in the Flight Manual. The average engine must be used to determine the relationship of thrust/power to control parameters (*e.g.,* N1 or EPR).

(e) *VNRS Approach reference procedure:*

The VNRS approach reference flight path must be calculated using the following:

(1) The airplane is stabilized and following a 3-degree glide path;

(2) The approach reference speed is Vref + 10 kts (Vref + 19 km/h);

(3) The applicant must use the approach configuration (landing gear down) established for normal operations as part of the airworthiness certification.

(4) The weight of the airplane at touchdown, at which noise certification is requested, must be the maximum landing weight permitted in the approach configuration defined in paragraph (e)(3) of this section, in accordance with § 36.1581(h) of this part; an

(5) The weight at which certification is requested, with the airplane in the most critical configuration, defined as—

(i) The configuration that produces the highest noise level with normal deployment of aerodynamic control surfaces including lift and drag producing devices; and

(ii) All equipment listed in § A36.5.2.5 of appendix A of this part that can be operated during normal flight.

Section C36.8 Noise Certification Test Procedures

(a) All test procedures must be approved by the FAA before certification tests are conducted.

(b) The test procedures and noise measurements must be conducted and processed in an approved manner to yield the noise evaluation metric EPNL, in units of EPNdB, as described in appendix A of this part.

(c) Acoustic data must be adjusted to the reference conditions specified in this appendix using the methods described in appendix A of this part. Adjustments for speed and thrust must be made as described in § A36.9 of this part, unless separate VNRS procedures and the data adjustments are approved.

(d) If the airplane's weight during the test is different from the weight at which noise certification is requested, the required EPNL adjustment may not exceed 2 EPNdB for each takeoff and 1 EPNdB for each approach. Data approved by the FAA must be used to determine the variation of EPNL with weight for both takeoff and approach test conditions. The necessary EPNL adjustment for variations in approach flight path from the reference flight path must not exceed 2 EPNdB.

(e) For approach, a steady glide path angle of 3 degrees ±0.5 degree is acceptable.

(f) If equivalent test procedures different from the reference procedures are used, the test procedures and all methods for adjusting the results to the reference procedures must be approved

by the FAA. The adjustments may not exceed 16 EPNdB on takeoff and 8 EPNdB on approach. If the adjustment is more than 8 EPNdB on takeoff, or more than 4 EPNdB on approach, the resulting numbers must be more than 2 EPNdB below the noise limit specified in § C36.5.

(g) During takeoff, lateral, and approach tests, the airplane variation in instantaneous indicated airspeed must be maintained within ±3% of the average airspeed between the 10 dB-down points. This airspeed is determined by the pilot's airspeed indicator. However, if the instantaneous indicated airspeed exceeds ±3 kt (±5.5 km/h) of the average airspeed over the 10 dB-down points, and is determined by the FAA representative on the flight deck to be due to atmospheric turbulence, then the flight so affected may not be used for noise certification purposes.

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f), 44701(a)(5), 44715, and § 181 of the FAA Reauthorization Act of 2018, on March 30, 2020.

Kevin W. Welsh,

Executive Director, Office of Environment & Energy.

[FR Doc. 2020–07039 Filed 4–10–20; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0378; Product Identifier 2018–SW–060–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for Airbus Helicopters Model AS350B, AS350B1, AS350B2, AS350B3, AS350BA, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS355NP, EC130B4, and EC130T2 helicopters. This proposed AD would require visually inspecting each main rotor gearbox (MGB) suspension bar attachment bracket bolt for missing bolt heads. Depending on the outcome of the visual inspection, measuring the tightening torque, removing certain parts, sending photos and reporting information to Airbus Helicopters, and completing an FAA-approved repair would be required. This proposed AD is prompted by a report of a missing MGB suspension bar attachment bolt head. The actions of this proposed AD are intended to address an unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 12, 2020.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *https://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0378; 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 proposed AD, the European Union Aviation Safety Agency (previously European Aviation Safety Agency) (EASA) AD, 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 service information identified in this proposed rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Kristi Bradley, Aerospace Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *kristin.bradley@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to participate in this rulemaking by submitting written comments, data, or views. The FAA 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 received, 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 received 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 FAA may change this proposal in light of the comments received.

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2018–0152, dated July 18, 2018 (EASA AD 2018–0152), to correct an unsafe condition for Airbus Helicopters (formerly Eurocopter, Eurocopter France) Model AS 350 B, AS 350 D, AS 350 B1, AS 350 B2, AS 350 BA, AS 350 BB, AS 350 B3, EC 130 B4, EC 130 T2, AS 355 E, AS355 F, AS355 F1, AS 355 F2, AS 355 N, and AS355 NP helicopters.

EASA advises of a reported occurrence of a missing MGB suspension bar attachment bolt head. EASA advises that investigations are ongoing to determine the root cause of this event. According to Airbus Helicopters, the missing MGB suspension bar attachment bolt head was discovered during scheduled maintenance of a Model EC 130 T2 helicopter. EASA states this condition could lead to fatigue failure of other affected bolts of the same MGB bracket, possibly resulting in loss of the MGB suspension bar and consequently loss of helicopter control. As an interim measure to address this potential unsafe condition, the EASA AD also includes Model AS 350 B, AS 350 D, AS 350 B1, AS 350 B2, AS 350 BA, AS 350 BB, AS 350 B3, EC 130 B4, AS 355 E, AS355 F,

AS355 F1, AS355 F2, AS355 N, and AS355 NP helicopters in its applicability.

Accordingly, EASA AD 2018–0152 requires a one-time visual inspection to check that all MGB suspension bar attachment bracket bolt heads are present and depending on the outcome, measuring the tightening torque values of the bolts, removing and sending bolts, washers, and nuts to Airbus Helicopters, installing new bolts, washers, and nuts, sending photos and reporting certain information to Airbus Helicopters, and contacting Airbus Helicopters for approved repair instructions. EASA states EASA AD 2018–0152 is considered an interim action and further AD action may follow.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA of the unsafe condition described in its AD. The FAA is proposing this AD because the FAA evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type designs.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Airbus Helicopter Alert Service Bulletin (ASB) No. AS350–05.00.92 for Model AS350B, B1, B2, B3, BA, and D helicopters, non-FAA type-certificated Model AS350BB helicopters, and military Model AS350L1 helicopters; Airbus Helicopters ASB No. AS355–05.00.79 for Model AS355E, F, F1, F2, N, and NP helicopters; and Airbus Helicopters ASB No. EC130–05A028 for Model EC130B4 and T2 helicopters, all Revision 0 and dated July 16, 2018. This service information specifies a one-time visual inspection using a light source and a mirror, and using an endoscope for any attachment bolts that are difficult to access, for the presence of the 16 attachment bracket bolt heads of the 4 MGB suspension bars. The service information also specifies different actions depending on the results of the visual inspection.

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

Other Related Service Information

The FAA also reviewed Airbus Standard Practices Manual (MTC) 20–02–05–404, Assembly by screws and nuts Joining, dated May 23, 2017. This service information specifies instructions for installing screws and nuts, tightening procedures when installing multiple bolts, tightening torque check and readjustment procedures, tooling information, measuring locking torque procedures, standard tightening torque procedures and values, torque tightening of screws in sandwich panels information, use of consumable materials and their correction coefficient values pertaining to screws, nuts, and washers, marking torque stripes, and re-installation criteria and inspection of attachment components.

Proposed AD Requirements

This proposed AD would require visually inspecting each MGB suspension bar attachment bracket for missing bolt heads.

If one bolt head is missing, this proposed AD would require performing actions specified in the service information including measuring the tightening torque of the remaining bolts of that bracket, removing the attachment bracket bolts, washers, and nuts of that bracket, and sending photos and reporting certain information to Airbus Helicopters.

If two or more bolt heads are missing, this proposed AD would require repairs in accordance with an FAA-approved method as described in paragraph (e) of this AD.

Differences Between This Proposed AD and the EASA AD

The EASA AD applies to Model AS350BB helicopters, whereas this proposed AD does not because that model is not FAA type-certificated. The EASA AD directs the operators to contact Airbus Helicopters for repairs if more than one screw head is missing, whereas this proposed AD does not.

Interim Action

The FAA considers this proposed AD to be an interim action. If final action is later identified, the FAA might consider further rulemaking.

Costs of Compliance

The FAA estimates that this proposed AD would affect 1,277 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour.

Inspecting for any missing MGB suspension bar attachment bracket bolt heads would take about 2 work-hours for an estimated cost of $170 per helicopter and $217,090 for the U.S. fleet.

Measuring the tightening torque of three MGB suspension bar attachment bracket bolts and replacing the set of four MGB suspension bar attachment bracket bolts, washers, and nuts would take about 1 work-hour and parts would cost about $50 for an estimated replacement cost of $135 per helicopter. Sending photos and reporting required information would take about 1 work-hour for an estimated cost of $85 per helicopter.

The FAA does not have the data to estimate the costs to do any FAA-approved repairs if two or more MGB suspension bar attachment bracket bolt heads are missing.

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 a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. 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, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. 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.

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, 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):

Airbus Helicopters: Docket No. FAA–2020–0378; Product Identifier 2018–SW–060–AD.

(a) Applicability

This AD applies to Airbus Helicopters Model AS350B, AS350B1, AS350B2, AS350B3, AS350BA, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, AS355NP, EC130B4, and EC130T2 helicopters, all serial numbers, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a missing main rotor gearbox (MGB) suspension bar attachment bracket bolt head. This condition could result in fatigue failure of the other MGB suspension bar attachment bracket bolts of the same MGB bracket, which could result in loss of the MGB suspension bar and subsequent loss of control of the helicopter.

(c) Comments Due Date

The FAA must receive comments by June 12, 2020.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

For helicopters with less than 1035 hours time-in-service (TIS), before reaching 1200 hours TIS, and for helicopters with 1035 or more hours TIS, within 165 hours TIS or 12 months, whichever occurs first, visually inspect each MGB suspension bar attachment bracket bolt for missing bolt heads by following the Accomplishment Instructions, paragraph 3.B.2.a. of Airbus Helicopter Alert Service Bulletin (ASB) No. AS350–05.00.92, Airbus Helicopters ASB No. AS355–05.00.79, or Airbus Helicopters ASB No. EC130–05A028, all Revision 0 and dated July 16, 2018 (ASB AS350–05.00.92, ASB AS355–05.00.79, or ASB EC130–05A028), as applicable to your model helicopter. If any bolt heads are missing, do the following:

(1) If one bolt head is missing, do the actions under the section ''If only one screw head (a) is missing'' in the Accomplishment Instructions, paragraph 3.B.2.b of ASB AS350–05.00.92, ASB AS355–05.00.79, or ASB EC130–05A028, as applicable to your model helicopter, except you are not required to return removed parts to Airbus Helicopters. You must do the repair before further flight, and you must submit the photographs and reply form to Airbus Helicopters within 30 days of completing the inspection.

(2) If two or more bolt heads are missing, before further flight, repair using a method approved by the Manager, Safety Management Section, Rotorcraft Standards Branch. For a repair method to be approved by the Manager, Safety Management Section, Rotorcraft Standards Branch, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

Note 1 to paragraph (e) of this AD: Airbus Helicopters refers to the bolts as screws.

(f) Special Flight Permit

Special flight permits are prohibited.

(g) 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 currently 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, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. 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.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Kristi Bradley, Aerospace Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, the FAA suggests that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(i) Additional Information

(1) Airbus Standard Practices Manual (MTC) 20–02–05–404, Assembly by screws and nuts Joining, dated May 23, 2017, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone 972–641–0000 or 800–232–0323; fax 972–641–3775; or at *https://www.airbus.com/helicopters/services/technical-support.html.* You may view the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Union Aviation Safety Agency (previously European Aviation Safety Agency) (EASA) AD No. 2018–0152, dated July 18, 2018. You may view the EASA AD on the internet at *https://www.regulations.gov* in the AD Docket.

(j) Subject

Joint Aircraft Service Component (JASC) Code: 6320, Main Rotor Gearbox.

Issued on April 7, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–07669 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0296; Airspace Docket No. 18–ANM–1]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Durango, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace, designated a surface area, by adding an extension to the northeast of the airport and reducing the size of the extension to the southwest of the Durango-La Plata County Airport, Durango, CO. Additionally, this action proposes to amend Class E airspace, extending upward from 700 feet above the surface, to properly contain arriving IFR aircraft descending below 1,500 feet above the surface and departing IFR aircraft until reaching 1,200 feet above the surface. Further, this action proposes to remove the Class E airspace extending upward from 1,200 feet above the surface as this airspace is wholly contained within the Denver en route airspace and duplication is not necessary. This action also proposes to remove the Durango VOR/DME and associated extensions from the airspace legal descriptions. The Navigational Aid is not required to define the airspace. Lastly, this action proposes to make several administrative corrections to the airspace legal descriptions.

DATES: Comments must be received on or before May 28, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2020–0296; Airspace Docket No. 18–ANM–1, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend the Class E airspace at Durango-La Plata County Airport, Durango, CO to support instrument flight rules (IFR) operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0296; Airspace Docket No. 18–ANM–1''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending the Class E airspace, designated a surface area, at Durango-La Plata County Airport, Durango, CO. To properly contain arriving IFR aircraft descending below 1,000 feet above the surface, an extension should be added to the northeast of the airport and the extension to the southwest of the airport should be reduced. The airspace would be described as follows: That airspace extending upward from the surface within a 4.3-mile radius of the airport, and within 1 mile each side of the 040° bearing from the airport, extending from

the 4.3-mile radius to 6.3 miles northeast of the airport, and within 1 mile each side of the 217° bearing from the airport, extending from the 4.3-mile radius to 4.7 miles southwest of the Durango-La Plata County Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Additionally, this action proposes to amend Class E airspace, extending upward from 700 feet above the surface, to properly contain arriving IFR aircraft descending below 1,500 feet above the surface and departing IFR aircraft until reaching 1,200 feet above the surface. The area would be described as follows: That airspace extending upward from 700 feet above the surface within a 6.1-mile radius of the airport, and within 1.6 miles each side of the 044° bearing from the airport, extending from the 6.1-mile radius to 12.4 miles northeast of the airport, and within 1 mile each side of the 217° bearing from the airport, extending from the 6.1-mile radius to 6.7 miles southwest of the Durango-La Plata County Airport.

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

This action also proposes to remove the Durango VOR/DME and associated extensions from the airspace legal descriptions. The Navigational Aid is not required to define the airspace.

Lastly, this action proposes to make several administrative corrections to the airspace legal descriptions. The geographic coordinates do not match the FAA database and should be updated to lat. 37°09′06″ N. long. 107°45′14″ W. The term ''Airport/Facility Directory'' in the Class E airspace, designated as a surface area, is outdated and should read ''Chart Supplement''.

Class E2 and E5 airspace designations are published in paragraphs 6002 and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

ANM CO E2 Durango, CO [Amended]

Durango-La Plata County Airport, CO
(Lat. 37°09′06″ N, long. 107°45′14″ W)

That airspace extending upward from the surface within a 4.3-mile radius of the airport, and within 1 mile each side of the 040° bearing from the airport, extending from the 4.3-mile radius to 6.3 miles northeast of the airport, and within 1 mile each side of the 217° bearing from the airport, extending from the 4.3-mile radius to 4.7 miles southwest of the Durango-La Plata County Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ANM CO E5 Durango, CO [Amended]

Durango-La Plata County Airport, CO
(Lat. 37°09′06″ N, long. 107°45′14″ W)

That airspace extending upward from 700 feet above the surface within a 6.1-mile radius of the airport, and within 1.6 miles each side of the 044° bearing from the airport, extending from the 6.1-mile radius to 12.4 miles northeast of the airport, and within 1 mile each side of the 217° bearing from the airport, extending from the 6.1-mile radius to 6.7 miles southwest of the Durango-La Plata County Airport.

Issued in Seattle, Washington, on April 7, 2020.

Shawn M. Kozica,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2020–07696 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0282; Airspace Docket No. 19–ANM–31]

RIN 2120–AA66

Proposed Amendment of Class D and E Airspace; Mountain Home, ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class D airspace at the Mountain Home Air Force Base Airport by removing the extensions to the northwest and southeast of the airport. This action also proposes to amend the Class E surface area to match the new dimensions of the Class D. Additionally, this action proposes to amend the Class E airspace extending upward from 700 feet above the surface by properly sizing the area to contain arriving IFR aircraft

descending below 1,500 feet above the surface and departing IFR aircraft until reaching 1,200 feet above the surface. This action also proposes to properly size the Class E airspace extending upward from 1,200 feet above the surface to contain IFR aircraft transitioning to/from the en route environment. Further, this action proposes to remove Mountain Home Municipal Airport from the Class E airspace legal description for the area extending upward from 700 feet or more above the surface. A notice of proposed rulemaking and Final Rule, FAA–2019–0972, have been published to establish Class E airspace, extending upward from 700 feet or more above the surface, for Mountain Home Municipal Airport. Lastly, this action proposes two administrative corrections to the airspace legal descriptions.

DATES: Comments must be received on or before May 28, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2020–0282; Airspace Docket No. 19–ANM–31, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend the Class D and Class E airspace at Mountain Home Air Force Base, Mountain Home, ID to support instrument flight rules (IFR) operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0282; Airspace Docket No. 19–ANM–31''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending the Class D airspace at the Mountain Home Air Force Base Airport by removing the extensions to the northwest and southeast of the airport. Based on the instrument approach procedures published for the airport, the extensions are no longer required to contain arriving IFR aircraft descending below 1,000 feet above the surface. The Class D area would be described as follows: That airspace extending upward from the surface to and including 5,500 feet MSL within a 5-mile radius of Mountain Home AFB. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

This action also proposes to amend the Class E surface area to match the new dimensions of the Class D. The amended Class E surface area would be described as follows: That airspace extending upward from the surface within a 5-mile radius of Mountain Home AFB. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Additionally, this action proposes to amend the Class E airspace extending upward from 700 feet above the surface by properly sizing the area to contain arriving IFR aircraft descending below

1,500 feet above the surface and departing IFR aircraft until reaching 1,200 feet above the surface. This amended area would be described as follows: That airspace extending upward from 700 feet above the surface within a 7.2-mile radius of Mountain Home AFB.

This action also proposes to properly size the Class E airspace extending upward from 1,200 feet above the surface to contain IFR aircraft transitioning to/from the en route environment. This amended area would be described as follows: That airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Mountain Home AFB.

Further, this action proposes to remove Mountain Home Municipal Airport from the Class E airspace description, extending upward from 700 feet or more above the surface. A notice of proposed rulemaking, FAA–2019–0972, has been published to establish Class E airspace, extending upward from 700 feet or more above the surface, for Mountain Home Municipal Airport.

Lastly, this action proposes two administrative corrections to the airspace legal descriptions. The term ''Airport/Facility Directory'' in the Class D description is outdated and should read ''Chart Supplement''. The Class E surface area is part-time and should include the following language in the legal description: This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Class D, E2, and E5 airspace designations are published in paragraphs 5000, 6002, and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ANM ID D Mountain Home, ID [Amended]

Mountain Home AFB, ID
(Lat. 43°02′37″ N, long. 115°52′21″ W)

That airspace extending upward from the surface to and including 5,500 feet MSL within a 5-mile radius of Mountain Home AFB. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ANM ID E2 Mountain Home, ID [Amended]

Mountain Home AFB, ID
(Lat. 43°02′37″ N, long. 115°52′21″ W)

That airspace extending upward from the surface within a 5-mile radius of Mountain Home AFB. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ANM ID E5 Mountain Home, ID [Amended]

Mountain Home AFB, ID
(Lat. 43°02′37″ N, long. 115°52′21″ W)

That airspace extending upward from 700 feet above the surface within a 7.2-mile radius of Mountain Home AFB; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Mountain Home AFB.

Issued in Seattle, Washington, on April 7, 2020.

Shawn M. Kozica,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2020–07698 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 453

Funeral Industry Practices

AGENCY: Federal Trade Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') is extending the deadline for filing comments on its Trade Regulation Rule entitled ''Funeral Industry Practices Rule'' (''Funeral Rule'' or ''Rule'').

DATES: The deadline for comments on the proposed rule published February 14, 2020 at 85 FR 8490 is extended. Comments must be received on or before June 15, 2020.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Instructions for Submitting Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Funeral Rule Regulatory Review, 16 CFR Part 453, Project No. P034410,'' on your comment and file your comment online through *https://www.regulations.gov.* If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–

5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex B), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Patti Poss (202–326–2413), Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, *pposs@ftc.gov.*

SUPPLEMENTARY INFORMATION:

I. Comment Period Extension

On February 14, 2020, the Commission published in the **Federal Register** a Request for Public Comment on the Federal Trade Commission's Funeral Industry Practices Rule, with an April 14, 2020, deadline for filing comments. 85 FR 8490. The Commission published the proposed rule to solicit public comments about the efficiency, costs, benefits, and regulatory impact of the Funeral Rule as part of its systematic review of all current Commission regulations and guides. Interested parties have subsequently requested an extension of the public comment period to provide additional time to respond to the request for comment in light of the disruption caused by the coronavirus pandemic.

The Commission agrees that allowing additional time for filing comments regarding the Funeral Rule would help facilitate the creation of a more complete record. The Commission has therefore decided to extend the comment period for 60 days, to June 15, 2020. A 60-day extension provides commenters adequate time to address the issues raised in the Notice.

II. Instructions for Submitting Comments

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before June 15, 2020. Write ''Funeral Rule Regulatory Review, 16 CFR Part 453, Project No. P034410'' on your comment. Your comment, including your name and your state, will be placed on the public record of this proceeding, including, to the extent practicable, on the *https://www.regulations.gov* website.

We strongly encourage you to submit your comments online through the *https://www.regulations.gov* website. Due to the public health emergency in response to the COVID–19 outbreak and the agency's heightened security screening, postal mail addressed to the Commission will be subject to delay. If you file your comment on paper, write ''Funeral Rule Regulatory Review, 16 CFR Part 453, Project No. P034410,'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610, Washington, DC 20024. If possible, please submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible website, *https://www.regulations.gov,* you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information such as your or 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 ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential''—as provided in 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.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at *www.regulations.gov*—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website to read this request for comment and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before June 15, 2020. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

By direction of the Commission.

April J. Tabor,

Acting Secretary.

[FR Doc. 2020–07172 Filed 4–10–20; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0060]

RIN 1625–AA09

Drawbridge Operation Regulation; Banana River, Indian Harbour Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking; withdrawal.

SUMMARY: The Coast Guard is withdrawing its notice of proposed rulemaking concerning the Mathers Bridge across the Banana River, mile 0.5, at Indian Harbour Beach, FL. The bridge owner, Brevard County Public Works Department, proposed to change the bridge operating schedule to allow for scheduled openings in order to reduce traffic delays. After careful consideration of the comments from all parties, it was determined to be in the best interest of navigation to withdraw the NPRM.

DATES: The notice of proposed rulemaking is withdrawn on April 13, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov.* Type USCG–2017–0060 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket

Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice, call or email LT Emily Sysko, Sector Jacksonville Waterways Management Division, U.S. Coast Guard; telephone 904–714–7616, email *Emily.T.Sysko@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Background Information and Regulatory History

On April 24, 2017, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulation; Banana River, Indian Harbour Beach, FL in the **Federal Register** (82 FR 18877) to solicit comments on the proposed rulemaking concerning the request to change the operating schedule. Minimal comments were received. The City of Indian Harbour Beach, FL requested to have the comment period re-opened as they believed their constituency did not have awareness of the initial notice and comment period. On October 23, 2017, we published a notice of proposed rulemaking, reopening comment period entitled ''Drawbridge Operation Regulation; Banana River, Indian Harbour Beach, FL'' in the **Federal Register** (82 FR 48939).

Due to the numerous comments received both for and against the proposed rule, on February 20, 2018, the Coast Guard published a notice of temporary deviation from regulation; request for comments entitled ''Drawbridge Operation Regulation; Banana River, Indian Harbour Beach, FL'' in the **Federal Register** (83 FR 7110). The purpose of this temporary deviation was to test the proposed schedule change to determine whether a permanent change is appropriate to better balance the needs of maritime and vehicle traffic.

Withdrawal

The Coast Guard received 199 comments, of those, 130 were against the proposal, 65 were in favor of the proposed change, three suggested removing the bridge in its entirety or build a new one, and one was unrelated to the proposed rule. The comments in favor of the proposal generally felt that placing the bridge on a schedule would help alleviate vehicular traffic on the bridge. The comments to remove or rebuild the bridge are not considered viable options. Upon reviewing the comments against the proposed change, concern was expressed that the change would increase navigation delays, introduce unnecessary hazards to navigation by limiting the bridge openings and create longer bridge openings in an area with a high volume of recreational boaters. The Coast Guard acknowledges all of the above safety concerns, and for that reason, we feel that any benefits of the proposed schedule change at the Mathers Bridge do not outweigh the additional hazards to vessels and mariners transiting the area around the bridge. The current regulation as written in 33 CFR 117.263 shall remain in effect.

Authority

The authority citation for part 117 continues to read as follows:

33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

Dated: April 7, 2020.

Eric C. Jones,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 2020–07637 Filed 4–10–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter II

[Docket ID ED–2020–OESE–0025]

Proposed Priorities, Requirements, Definition, and Selection Criteria—Education Innovation and Research—Teacher-Directed Professional Learning Experiences

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Proposed priorities, requirements, definition, and selection criteria.

SUMMARY: The Assistant Secretary for the Office of Elementary and Secondary Education proposes priorities, requirements, definition, and selection criteria under the Education Innovation and Research (EIR) program, Catalog of Federal Domestic Assistance (CFDA) numbers 84.411A/B/C. The Assistant Secretary may use these priorities, requirements, definition, and selection criteria for competitions in fiscal year (FY) 2020 and later years. The Department proposes these priorities, requirements, definition, and selection criteria to support competitions under the EIR program for the purpose of developing, implementing, and evaluating teacher-directed professional learning projects designed to enhance instructional practice and improve achievement and attainment for high-need students. The Department believes that teacher-directed professional development provided through such projects may be more effective in improving instructional practice and student outcomes than the one-size-fits-all professional development activities often funded by school systems in response to districtwide improvement goals.

DATES: We must receive your comments on or before May 13, 2020.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''How to use Regulations.gov'' in the Help section.
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about the proposed priorities, requirements, definition, and selection criteria, address them to Ashley Brizzo, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E325, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Ashley Brizzo. U.S. Department of Education, 400 Maryland Avenue SW, Room 3E325, Washington, DC 20202. Telephone: (202) 453–7122. Email: *EIR@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:

Invitation to Comment: We invite you to submit comments regarding this notification. To ensure that your comments have maximum effect in developing the notice of final priorities, requirements, definition, and selection

criteria, we urge you to clearly identify the specific proposed priority, requirement, definition, and selection criteria that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866, 13563, and 13371 and their overall requirement of reducing regulatory burden that might result from these proposed priorities, requirements, definition, and selection criteria. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about the proposed priorities, requirements, definition, and selection criteria by accessing *Regulations.gov*. You may also inspect the comments in person at 400 Maryland Avenue SW, Room 3E325, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays. Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Directed Questions: The Department seeks input on three specific areas of the proposed priorities, requirements, definition, and selection criteria. Regarding Proposed Priority 2, the Department seeks input from the public regarding whether partnership with a State educational agency (SEA) is necessary for successful systems-level change, such as to allow teacher-directed professional learning to be substituted for other mandatory professional development activities (*e.g.,* professional development hours required as part of certification renewal); or to provide for a greater selection of professional learning providers and experiences. Likewise, the Department seeks input from the public regarding whether partnership with a local educational agency (LEA) is necessary for successful systems-change. Regarding Application Requirement (d)(1), the Department seeks input from the public regarding what, if any, challenges would applicants have in meeting the proposed requirement that teacher-directed professional learning must replace no less than a majority of the existing mandatory professional development for participating teachers; the Department also seeks input on anticipated technical assistant needs to be able to comply with this requirement.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed priorities, requirements, definition, and selection criteria. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Purpose of Program: The EIR program, established under section 4611 of the Elementary and Secondary Education Act, as amended (ESEA), provides funding to create, develop, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovations to improve student achievement and attainment for high-need students; and rigorously evaluate such innovations. The EIR program is designed to generate and validate solutions to persistent education challenges and to support the expansion of those solutions to serve substantially larger numbers of students.

Program Authority: Section 4611 of the ESEA, 20 U.S.C. 7261.

Proposed Priorities

This notification contains three proposed priorities.

Proposed Priority 1—Teacher Directed Professional Learning

Background: Although school-related factors such as curriculum, family engagement, and funding contribute to student academic performance, research suggests that the single most important school-based factor impacting students' achievement is their teacher (Hanushek, 2016; Stronge & Tucker, 2000). Creating every opportunity for teachers to engage deeply with high-quality professional development that is aligned to students' academic and other learning needs holds promise, therefore, in boosting student achievement.

Alignment of professional development to teacher needs is also critical. Research on adult learning (andragogy) posits that adults engage more deeply with learning opportunities when those opportunities are aligned to their interests (Trotter, 2006). Among teachers, those interests can vary between phases of their careers. For example, novice teachers may seek to improve classroom management skills, content knowledge, and pedagogy. In contrast, more experienced teachers may want to develop the advanced skills necessary to take on new leadership roles or increase intensive intervention skills. Andragogy suggests that adult learning can be differentiated by the learner's need—that is, personalized—and indeed should be to maximize engagement in learning (Trotter, 2006).

Leveraging the power of personalization, and the deep engagement with learning it promotes, is critical if teacher professional development is to have an impact on educator practice. The Learning Policy Institute (2017) identifies a set of seven pillars for effective professional development. Among them are: (1) Active learning, (2) collaboration, (3) coaching and support, (4) feedback and reflection, and (5) training of a sustained duration (Learning Policy Institute, 2017). A common thread among each of these practices is that they require teachers to invest meaningful effort and attention. No matter how well designed by the provider, the promise of these pillars to improve teacher practice is only realized when teachers engage fully with their content. Adult learning theory suggests personalization is one way to make it more likely that teachers will (Trotter, 2006).

Giving teachers the financial and other resources needed to personalize their professional development, consistent with their needs and the needs of their students, has the potential to maximize benefits to both themselves and their students. Research indicates that having teachers create professional learning plans and giving them the freedom to select the activities that will support them in achieving the goals outlined in those plans could have positive effects on student achievement and attainment (Rabbitt, et al., 2015). Thus, it may be the case that a stipend program may magnify the efficacy of other personalization efforts by giving teachers access to options that otherwise may have been inaccessible due to other professional development requirements or that were cost prohibitive.

For these reasons, this proposed priority would support innovative projects that develop and test approaches providing teachers with professional learning stipends. With the autonomy to identify instructionally relevant professional learning, teachers can improve their craft to better support student achievement and attainment for high-need students.

Proposed Priority: Under this priority, an applicant must propose a project in which classroom teachers receive stipends to select professional learning alternatives that are instructionally relevant and meet their individual needs related to instructional practices for high-need students. Additionally, teachers receiving stipends must be allowed the flexibility to replace no less than a majority of existing mandatory

professional development with such teacher-directed learning, which must also be allowed to fully count toward any mandatory teacher professional development goals (*e.g.,* professional development hours required as part of certification renewal, designated professional days mandated by districts).

Proposed Priority 2—State Educational Agency Partnership

Background: Since teacher certification and training requirements are usually under the purview of an SEA, an SEA is critical to reshaping teacher professional learning opportunities to better serve teachers and the students they teach. Moreover, an SEA may have an opportunity to leverage greater selection of professional learning providers and experiences. One example might include an SEA offering a broad and comprehensive menu of pre-selected options for teachers to choose from that reflect additional options beyond what was available prior to the stipend program. Another example might include an SEA, after implementation of the stipend program, incorporates a micro-credential program (that a teacher paid for with the stipend) is offered statewide to any teacher who wants it by the SEA informing teachers about a new route to fulfilling licensure requirements. Thus, an SEA may have an important role to play in supporting Proposed Priority 1. One way of supporting projects submitted under Proposed Priority 1 is through a partnership that includes an SEA.

Proposed Priority: Under this proposed priority, an application must demonstrate it has established a partnership between an eligible entity and an SEA (with either member of the partnership serving as the applicant) to support the proposed project.

Proposed Priority 3—Local Educational Agency Partnership

Background: Given that teachers are employees of an LEA, an LEA is critical in coordinating teacher professional learning opportunities and managing the stipends teachers would receive. One example might include an LEA coordinating a new intra-district job shadowing program in which teachers could elect to use the stipend to pay for substitute coverage while shadowing. Another example might include an LEA, after implementation of the stipend program, enters into a contract agreement with an entity that provided online coaching (paid for with the stipend and determined as successful) to allow the coaching option to be available to additional teachers throughout the district. Thus, an LEA may have an important role to play in supporting Proposed Priority 1. One way of supporting projects submitted under Proposed Priority 1 is through a partnership that includes an LEA.

Proposed Priority: Under this priority, an application must demonstrate it has established a partnership between an eligible entity and an LEA (with either member of the partnership serving as the applicant) to support the proposed project.

Types of Priorities: When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority is as follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Proposed Requirements

Background

The proposed application requirements specify the necessary components to structure a program for teacher-directed professional learning in ways that prioritize teacher autonomy, high-need students, and high-quality professional learning.

Proposed Requirements

The Assistant Secretary proposes the following requirements for this program. We may apply one or more of these requirements in any year in which this program is in effect.

An applicant must—

(a) Describe the pool of teachers eligible to request a stipend, including whether the applicant intends to prioritize eligibility based on content areas, strategic staffing initiatives, or other factors (and including a rationale for how such a determination addresses the needs of high-need students, as defined by the applicant);

(b) Describe the anticipated level of teacher participation, including—

(1) Current information on teacher satisfaction with existing professional learning; and

(2) Details on the planned outreach strategy to communicate the stipend opportunity to eligible teachers;

(c) Describe the proposed stipend structure, including—

(1) Estimated dollar amount per stipend, including associated expenses related to the professional learning (*e.g.,* materials, transportation, etc.);

(2) A rationale for how the estimated dollar amount per stipend is sufficient to ensure access to professional learning activities that are, at minimum, comparable in quality, frequency, and duration to the professional development other non-participating teachers will receive in a given year;

(3) Mechanisms to protect against fraud, waste, and abuse (*e.g.,* monitoring systems, reviews for conflicts of interest); and

(4) Plans for how the applicant will select participants if there is more interest than available stipends (*e.g.,* prioritizing by student need, prioritizing by teacher need, teachers teaching in a specific content area, human capital priorities, rubric-based review of requests, lottery);

(d) Describe details about the stipend system, including—

(1) How the applicant will update its policies to offer stipends to teachers such that no less than a majority of existing mandatory professional development is replaced by teacher-directed professional learning, including—

(i) The professional development days or activities from which participating teachers will be released in order to enable teacher-directed learning opportunities and to ensure that teacher-directed learning replaces no less than a majority of existing mandatory professional development; or

(ii) Other methods in which participating teachers will be given the flexibility to participate in teacher-directed learning (*e.g.,* by providing release from and substitute teacher coverage during regular instructional days) and how such methods will also ensure participating teachers are released from no less than a majority of existing professional development requirements;

(2) How the applicant will ensure that teacher-directed learning will fully substitute for mandatory professional development in meeting mandatory professional development goals or

activities (*e.g.,* professional development hours required as part of certification renewal, district- or contract-required professional development hours);

(3) How the applicant will provide information to teachers about professional learning options not previously available to teachers (*e.g.,* list of innovative options, qualified providers, other resources);

(4) In addition to any list of professional learning options or providers identified by the applicant, mechanisms for teachers to independently select different high-quality, instructionally relevant professional learning activities connected to the achievement and attainment of high-need students (based on teacher-identified needs such as self-assessment surveys, student assessment data, and professional growth plans); and

(e) Describe strategies for supporting teachers' implementation of changes in instructional practice as a result of their professional learning;

(f) Describe the process for managing the stipend system, including—

(1) For professional learning options that are among a list of options identified by the applicant: The processes for teachers to submit their requests to participate in those options in place of a previously required training and the processes for direct vendor payment using the stipend; and

(2) For different professional learning options selected by a teacher that may not be on the applicant's list of options: How the applicant will determine that the activity meets the definition of ''professional learning'' and is reasonable, and what processes the applicant will implement to ensure payment or timely reimbursement to teachers;

(g) Describe the proposed strategy to expand the use of professional learning stipends (pending the results of the evaluation), including the following:

(1) Plans for continuously improving the stipend system in order to, over time, offer more teachers the opportunity to engage in teacher-directed professional learning and, for participating teachers, ensure a higher percentage of all mandatory professional learning is teacher-directed.

(2) Mechanisms for incorporating effective practices discovered through teacher-directed professional learning into the professional development curriculum for all teachers; and

(h) Provide an assurance that—

(1) At a minimum, the SEA or LEA involved in the project (as an applicant, partner, or implementation site) will maintain its current fiscal and administrative levels of effort in teacher professional development and allow the professional learning activities funded through the stipends to supplement the level of effort that is typically supported by the applicant;

(2) Project funds will only be used for instructionally relevant professional learning activities and not solely for obtaining advanced degrees, taking or preparing for licensure exams, or for pursuing personal enrichment activities; and

(3) Projects will allow for a variety professional learning options for teachers and not limit use of the stipend to a restrictive set of choices (for example, professional learning provided only by the applicant or partners, specific pedagogical or philosophical viewpoints, or organizations with specific methodological stances). The applicant and any application partners will not be the primary financial beneficiaries of the professional learning stipends, and there is no conflict between the applicant, any application partner, and the purpose of providing teachers the autonomy to select their own professional learning opportunities.

Proposed Definition

Background

Given the widely varied interpretation of professional learning, we propose a specific definition for this program to promote a shared understanding of the scope of professional learning that could be supported by this program. Specifically, professional ''learning'' in which teachers play an active role in their continued growth is intended to replace the status quo professional ''development'' that is provided to teachers.

Proposed Definition

The Assistant Secretary proposes the following definition for this program. We may apply this definition in any year in which this program is in effect.

Professional learning means instructionally relevant activities to improve and increase classroom teachers'—

(1) Content knowledge;

(2) Understanding of instructional strategies and intervention techniques for high-need students, including how best to analyze and use data to inform such strategies and techniques; and

(3) Classroom management skills to better support high-need students.

Professional learning must be job-embedded or classroom-focused and related to the achievement and attainment of high-need students. Professional learning may include innovative activities such as peer shadowing opportunities, virtual mentoring, online modules, professional learning communities, communities of practice, action research, micro-credentials, and coaching support.

Proposed Selection Criteria

Background

The proposed selection criteria are intended to provide the Department with the opportunity to allow peer reviewers to score applications in ways that reinforce the primary purpose of Proposed Priority 1.

Proposed Selection Criteria

The Assistant Secretary proposes the following selection criteria for evaluating an application under this priority. We may apply one or more of these selection criteria in any year in which this priority is in effect.

(a) The sufficiency of the stipend amount to enable professional learning funded through the stipend to replace a majority of the existing mandatory professional development for participating teachers.

(b) The adequacy of plans to ensure that stipends are appropriately used for professional learning that is instructionally relevant, high-quality, and aligned to the identified needs of high-need students.

(c) The extent to which the proposed project will offer teachers flexibility and autonomy in meeting the majority of professional development requirements, including the extent of the choice teachers have in their professional learning.

(d) The likelihood that the procedures and resources for teachers results in a simple process to select or request professional learning based on their professional learning needs and those identified needs of high-need students.

(e) The adequacy of the mechanisms for teachers to sustain positive changes in instructional practice.

(f) The likelihood that the professional learning supported through the stipends will result in improved student outcomes.

(g) The reasonableness of the payment structure that enables teachers to have an opportunity to apply for and use the stipend with minimal burden.

(h) The adequacy of procedures for leveraging the stipend program to inform continuous improvement and systematic changes to professional learning.

References

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Hanushek, E.A. (2016). What matters for student achievement. *Education Next*, 16(2), 18–26.

Rabbitt, B., Finegan, J., & Kellogg, N. (2019). Research-Based, online learning for teachers: What the research literature tells us about the design of platforms and virtual experiences for working adult learners. The Learning Accelerator.

Stronge, J.H., & Tucker, P.D. (2000). Teacher evaluation and student achievement. National Education Association.

Trotter, Y. (2006). Adult learning theories: Impacting professional development programs. *Delta Kappa Gamma Bulletin,* 72(2), 8–13.

Final Priorities, Requirements, Definition, and Selection Criteria

We will announce the final priorities, requirements, definition, and selection criteria in a notice in the **Federal Register**. We will determine the final priorities requirements, definition, and selection criteria after considering responses to the proposed priorities, requirements, definition, and selection criteria and other information available to the Department. This document does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notification does *not* solicit applications. In any year in which we choose to use one or more of these priorities, requirements, definition, and selection criteria we invite applications through a notice in the **Federal Register**.

Executive Orders 12866, 13563, and 13771

Regulatory Impact Analysis

Under Executive Order 12866, it must be determined whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f)(4) of Executive Order 12866.

Under Executive Order 13771, for each new regulation that the Department proposes for notice and comment or otherwise promulgates that is a significant regulatory action under Executive Order 12866, and that imposes total costs greater than zero, it must identify two deregulatory actions. For FY 2020, any new incremental costs associated with a new regulation must be fully offset by the elimination of existing costs through deregulatory actions. However, Executive Order 13771 does not apply to ''transfer rules'' that cause only income transfers between taxpayers and program beneficiaries, such as those regarding discretionary grant programs. Because the proposed priorities, requirements, definition, and selection criteria would be used in connection with one or more discretionary grant programs, Executive Order 13771 does not apply.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these proposed priorities, requirements, definition, and selection criteria only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on an analysis of anticipated costs and benefits, we believe that this proposed regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

Potential Costs and Benefits

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Proposed Priority 1 would give the Department the opportunity to elevate the teaching profession by increasing the available funds for professional learning while requiring that applicants maintain current levels of investment. Additionally, by acknowledging teachers' ability to identify their professional learning needs and empowering them to select professional learning opportunities to meet those needs, we believe that this proposed priority could result in a number of changes including reducing personal costs that teachers incur when they must pay for professional learning that they want through their own means if their school, district, or State will not. We also believe that teachers are more likely to have a committed investment in professional learning that they select,

thereby enhancing the benefits of professional learning, including, but not limited to, increased knowledge and skills. Such changes have the potential to change instructional practices in ways that will improve student outcomes.

Proposed Priorities 2 and 3 may have the result of shifting at least some of the Department's grants among eligible entities by giving the Department the opportunity to prioritize partnerships that might be well suited to achieve the purposes of Proposed Priority 1. By prioritizing projects that are supported by an SEA or LEA—entities that establish professional development requirements—the Department is increasing the likelihood that such teacher-driven approaches can be implemented more widely, should they be determined as more effective. Because this proposed priority would neither expand nor restrict the universe of eligible entities for any Department grant program, and since application submission and participation in our discretionary grant programs is voluntary, there are not costs associated with this proposed priority.

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum ''Plain Language in Government Writing'' require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make the proposed priorities, requirements, definition, and selection criteria easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections?
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?

Regulatory Flexibility Act Certification

The Secretary certifies that this proposed regulatory action would not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below $7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

The small entities that this proposed regulatory action would affect are public or private nonprofit agencies and organizations, including institutions of higher education, that may apply. We believe that the costs imposed on an applicant by the proposed priorities, requirements, definition, and selection criteria would be limited to paperwork burden related to preparing an application and that the benefits of these proposed priorities, requirements, definition, and selection criteria would outweigh any costs incurred by the applicant. Therefore, these proposed priorities, requirements, definition, and selection criteria would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act: The proposed priorities, requirements, definition, and selection criteria do not contain any information collection requirements.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Assessment of Educational Impact

In accordance with section 411 of GEPA, 20 U.S.C. 1221e–4, the Secretary particularly requests comments on whether the proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Accessible Format: Individuals with disabilities can obtain this document 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 the 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.

Frank T. Brogan,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2020–07753 Filed 4–10–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[COE–2018–0008]

RIN 0710–AA90

36 CFR Part 327

Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief of Engineers

AGENCY: United States Army Corps of Engineers, DoD.

ACTION: Proposed rule.

SUMMARY: The Department of the Army, through the United States Army Corps of Engineers (''Corps''), is soliciting comments on its proposed revision of its regulation that governs the possession and transportation of firearms and other weapons at Corps water resources development projects (''projects''). This proposed revision would align the Corps regulation with the regulations of the other Federal land management agencies by removing the need for an individual to obtain written permission before possessing a weapon on Corps projects.

DATES: Written comments must be submitted on or before June 12, 2020.

ADDRESSES: You may submit comments, identified by docket number COE–

2018–0008, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email: Firearms@usace.army.mil. Include the docket number, COE–2018–0008, in the subject line of the message.

Mail: U.S. Army Corps of Engineers, Attn: CECW–CO–N, Steve Austin 3F68, 441 G Street NW, Washington, DC 20314–1000.

Hand Delivery/Courier: Due to security requirements, the Corps cannot receive comments by hand delivery or courier.

Instructions: Direct your comments to docket number COE–2018–0008. All comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov,* including any personal information provided, unless the commenter indicates that 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 *regulations.gov* or email. The *regulations.gov* website is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to the Corps without going through *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, we recommend that you include your name and other contact information in the body of your comment and with any compact disc you submit. If we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

Docket: For access to the docket to read background documents or comments received, go to *www.regulations.gov.* All documents in the docket are listed. Although listed in the index, some information is not publicly available, such as 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.

FOR FURTHER INFORMATION CONTACT: Stephen Austin, Headquarters, U.S. Army Corps of Engineers, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4489.

SUPPLEMENTARY INFORMATION: The proposed revision would change Corps policy regarding the procedure an individual must follow to possess a weapon on Corps projects. The Corps is authorized to issue this regulation under 16 U.S.C. 460, which states ''[t]he water areas of all . . . [water resources development] projects shall be open to public use . . . and ready access to and exit from such areas along the shores of such projects shall be maintained for general public use . . . under such rules and regulations as the Secretary of the Army may deem necessary.'' This authority extends to ''the waters of such projects'' and ''any land federally owned and administered by the Chief of Engineers'' at the projects. 16 U.S.C. 460d; see also 36 CFR 327.0 & 327.1(c). For purposes of this regulation, this authority would cover, for example, Lake Lanier in northern Georgia, Stanislaus River Parks in central California, and Melvin Price Lock and Dam on the Mississippi River north of St. Louis, Missouri. This authority would not cover projects such as ecosystem restoration, navigation channel maintenance, or coastal storm risk management projects even though they may have been authorized in a Water Resources Development Act.

Specifically, the proposed revision would remove the requirement that an individual obtain written permission before possessing a weapon on a Corps project, which is a requirement except when the possession occurs for certain authorized recreation purposes. In doing so, the revised regulation would permit an individual to possess a weapon and associated ammunition when the possession both complies with the Federal, state, and local law where the project is located, and the individual is not otherwise prohibited by law from possessing the weapon. This change would reduce the burden on the public by eliminating the requirement to obtain written permission before possessing a weapon, but it would not change the fact that individuals already may, at present, possess weapons on Corps projects if they receive appropriate permission.

The current Corps regulation, 36 CFR 327.13, allows visitors on Corps projects to possess weapons such as firearms only after written permission has been received from the District Commander. Law enforcement officers are excepted from this requirement, as are individuals possessing weapons when the weapon is being used for hunting or fishing, as provided in 36 CFR 327.8, or is being used at an authorized shooting range. Written permission from the District Commander is also required to possess explosives and explosive devices, including fireworks.

In proposing to revise the regulation, the Corps intends to remove the requirement that individuals must apply for written permission from the District Commander before possessing a weapon. Written permission would still be required to possess explosives and explosive devices. Individuals possessing or transporting a weapon would need to meet the Federal, state and local requirements for doing so in the jurisdiction where the Corps project is located, such as by possessing a valid state permit or license. Individuals prohibited by any law from possessing or transporting a weapon would not be permitted to do so on a Corps project. The prohibition on firearms and dangerous weapons in Federal facilities, 18 U.S.C. 930, would continue to apply to those Corps facilities falling within the coverage of that statute.

In addition, the proposed revision would give the District Commander the discretion to modify or revoke the permissions granted under this section when issuing a special event permit under 36 CFR 327.21. Special events require written permission granted by the District Commander. Restrictions may be imposed for security, public safety, or other reasons deemed necessary by the District Commander. Conditions of the special event may include weapon restrictions, and allow the District Commander to revoke permissions upon failure to comply with the terms and conditions of the special event permit.

Legal Authority: The Corps is authorized to promulgate regulations pertaining to the operation of public parks and recreational facilities in the water resource development projects within Corps jurisdiction, as well as for the use, administration, and navigation of the navigable waters of the United States. 16 U.S.C. 460d; 33 U.S.C. 1, 28 Stat 362. Generally, these regulations govern the conduct of public visitors on Corps projects.

Overview: In recent years, other Federal land management agencies have amended their regulations to make them consistent with the law of the state in which the federal lands are located. See, *e.g.,* National Park Service (36 CFR 2.4); U.S. Fish and Wildlife Service's National Wildlife Refuge System (50 CFR 27.42); Bureau of Land Management (43 CFR 8365.1–7); Bureau

of Reclamation (43 CFR 423.30); U.S. Forest Service (36 CFR 261.8(b), 261.57(c)). The approach taken in this proposed rule is consistent with other Federal agencies. Following these other Federal agencies, the Corps now proposes to revise its regulations for conformity with the approach taken toward other Federally managed lands.

The written permission requirement in the current Corps regulation is inconsistent with the regulations and approach by the other Federal land management agencies, which generally authorize the possession of weapons when in accordance with state and local laws and the individual is not otherwise prohibited by law from possessing the weapon. The revision would also streamline and clarify the requirements to possess weapons on a Corps project for persons traveling to Corps projects from surrounding state areas or areas managed by other Federal agencies.

The Corps is proposing this revision in order to update the Corps regulations in a way that more appropriately reflects the current state and local regulation of the possession of weapons, and firearms in particular. The Corps believes that the current Corps regulation, by requiring individuals to obtain written permission before possessing a weapon, is burdensome on the public and the Corps without providing any corresponding benefit. The current regulation was promulgated before many of the current state laws governing the possession of weapons, in particular the possession of firearms by private individuals for self-defense and other purposes. Following the developments in state law since that time, the Corps believes it is now appropriate to join the other Federal land management agencies in deferring to state law requirements, as the Corps already does for other land management practices. The Corps believes the proposed revision will benefit the public by eliminating the burden to apply for written permission from the Corps as well as by aligning the requirements for possessing a weapon on Corps projects lands with the requirements applicable to the areas surrounding a project.

If finalized, the Corps' policies relating to the possession of firearms on their projects would be substantively the same as the policies of other Federal land management agencies. The Corps believes that such conformity is important for reducing confusion among the public. The Corps is soliciting comments on all aspects of this proposal but are particularly interested in knowing whether, in the interest of further conformity, it should consider additional revisions to further align with the regulations of other land management agencies. The Corps is also interested in whether the impacts of the proposal estimated below are accurate.

Impacts

Individuals are required under the current regulation to submit a letter to the District Commander requesting approval to carry a weapon. If finalized, this proposal would remove that requirement. One of the benefits of this rule would thus be the savings associated with that removal. The Corps estimates these savings to be $2,340. If finalized, this rule would also make the Corps policy on carrying a weapon consistent with the policies of other Federal agencies. Another benefit of this rule would thus be improved clarity for the public resulting from that conformity. The Corps is not able to quantify the benefits associated from that improved clarity.

The Corps current regulations at 36 CFR 327.13 do not identify the specific information that individuals must include in their written request to the Corps to carry a firearm at Corps projects. However, based on the written requests the Corps has received in the past, we estimate that it takes approximately one hour for an individual to complete and mail to the District Commander the request. Based on a current Federal minimum wage of $7.25 per hour and the cost of a first class stamp being $0.55, we estimate the cost associated with each request to be $7.80. Based on the number of requests the Corps received during the period of 15 May 2018 through 15 May 2019, we estimate that individuals submit approximately 300 letters per year. That results in the application cost associated with the current requirements being approximately $2,340 per year. A benefit of this rule is the removal of that transaction cost.

In addition, removing the requirement that an individual obtain written permission from the District Commander, and instead requiring compliance with the laws otherwise applicable where the Corps project is located, would reduce confusion by further aligning the land management practices of the Corps with the practices of the National Park Service, Bureau of Reclamation, Bureau of Land Management, and U.S. Forest Service.

The Corps is not aware of any costs that would result from this rule if it were finalized but solicits comment from the public on the matter.

Alternatives

In proposing this revision to 36 CFR 327.13, the Corps considered three alternatives: The proposed regulation revision (''Preferred Alternative''); no action (''No Action Alternative''); and, revising the regulation to permit the possession of weapons when consistent with Federal, state, and local laws so long as the weapon is carried either unloaded or concealed on the person, or is being used for hunting, fishing, or target shooting (''Concealed Carry Alternative''). When the Corps evaluated these alternatives, we found that the No Action Alternative would result in continued inconsistencies between the Corps regulation and the regulations of the other Federal land management agencies, as well as inconsistencies in the requirements for possessing a weapon on Corps project lands as compared to the surrounding areas. The Concealed Carry Alternative would revise the current Corps regulation to be more consistent with the regulations of other Federal agencies, but it also would create potentially confusing differences between the Corps regulation and the others by establishing its own rules on how weapons must be carried. It would place an unacceptable level of enforcement responsibility on Corps park rangers, who are unarmed and have limited law enforcement authority. The Preferred Alternative is this proposed action, which is the promulgation of a rule that revises the Corps regulation for consistency with the other Federal land management agencies and to defer to state and local requirements. The Corps consideration of these alternatives is further discussed in the Environmental Assessment included as a supporting document in the docket for this action. The Corps has not identified any other reasonable alternatives that warrant consideration.

Executive Orders

a. Review Under Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This proposed rule has been designated a ''significant regulatory action'' under Executive Order 12866. Accordingly, this proposed rule has been reviewed by the Office of Management and Budget (OMB).

b. Review Under Executive Order 13771

This proposed rule is not expected to be subject to the requirements of Executive Order 13771 because it is expected to impose de minimis impacts.

c. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

I certify that this action will not have a significant impact on a substantial number of small entities.

d. Review Under the National Environmental Policy Act

Due to the procedural nature of this action and because there is no intended change in the use of the areas subject to this regulation, the Corps expects that this regulation, if adopted, will not have a significant impact to the quality of the human environment. Therefore, preparation of an environmental impact statement will not be required. A draft environmental assessment has been prepared for publication in conjunction with the public notice period and is included as a supporting document in the docket for this action.

e. Unfunded Mandates Act

This proposed rule does not impose an enforceable duty among the private sector and, therefore, it is not a Federal private sector mandate and it is not subject to the requirements of either Section 202 or Section 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small governments will not be significantly and uniquely affected by this rulemaking.

f. Paperwork Reduction Act

The information collection activities in this proposal have not been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). However, if finalized, this rule would remove the requirement for that collection of information by eliminating the need to submit a letter to the District Commander asking for approval to possess weapon.

List of Subjects in 36 CFR Part 327

Penalties, Recreation and recreation areas, Water resources.

For the reasons set out in the preamble, the Corps proposes to amend 36 CFR part 327 as follows:

PART 327—RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

■ 1. The authority citation for part 327 continues to read as follows:

Authority: 16 U.S.C. 460d; 16 U.S.C. 4601–6a; Sec. 210, Pub. L. 90–483, 82 Stat. 746; 33 U.S.C. 1, 28 Stat. 362.

■ 2. In § 327.13:
■ a. Revise paragraph (a);
■ b. Redesignate paragraph (b) as paragraph (d); and
■ c. Add new paragraphs (b) and (c).

The revision and additions read as follows:

§ 327.13 Explosives, firearms, other weapons and fireworks.

(a) An individual may possess or transport a weapon on any project provided that:

(1) The individual is not otherwise prohibited by Federal, state, or local law from possessing or transporting such weapon; and

(2) The possession or transportation of such weapon is in compliance with applicable Federal, state, and local law.

(b) As used in this section, ''weapon'' includes any firearm as defined in 18 U.S.C. 921(a)(3)(A), bow and arrow, crossbow, or other projectile firing device.

(c) The District Commander may modify or revoke the permissions granted by this section when issuing a special event permit under § 327.21.

(d) Possession of explosives or explosive devices of any kind, including fireworks or other pyrotechnics, is prohibited unless written permission has been received from the District Commander.

R.D. James,

Assistant Secretary of the Army (Civil Works).

[FR Doc. 2020–07184 Filed 4–10–20; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 420

[Cost Center: RR8567200, Fund: 20XR0680A2, WBS: RX.31480001.0040000]

RIN 1006–AA57

Off-Road Vehicle Use

AGENCY: Bureau of Reclamation; Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: Secretarial Order 3376 addresses regulatory uncertainty on how agencies within the Department of the Interior manage recreational opportunities for electric bikes (E-bikes) on trails and paths where traditional bikes are allowed. To provide consistency in Federal policy among agencies with recreational opportunities pertinent to Secretarial Order 3376, the Bureau of Reclamation (Reclamation) is proposing to amend this regulation to add a definition for E-bikes and exempt E-bikes from the regulatory definition of an off-road vehicle where E-bikes are being used on roads and trails where mechanized, non-motorized use is allowed, they are not being propelled exclusively by a motorized source, and the appropriate regional director expressly determines through a formal decision that E-bikes should be treated the same as non-motorized bicycles. This proposed change would facilitate increased E-bike use where other types of bicycles are allowed in a manner consistent with existing use of Reclamation land, and increase recreational opportunities for all Americans, especially those with physical limitations.

DATES: Comments on the proposed rulemaking must be submitted on or before June 12, 2020.

ADDRESSES: You may submit comments on the proposed rulemaking by either of the methods listed below. Please use Regulation Identifier Number 1006–AA57 in your comment.

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions on the website for submitting comments.

2. *U.S. mail, courier, or hand delivery:* Bureau of Reclamation, Asset Management Division, 8667200, P.O. Box 25007, Denver, CO 80225.

FOR FURTHER INFORMATION CONTACT: Ryan Alcorn, Asset Management Division, Bureau of Reclamation, 303–445–2711; *ralcorn@usbr.gov.*

SUPPLEMENTARY INFORMATION:

I. Why we are publishing this proposed rule and what it does?

Secretarial Order 3376 set forth the policy of the Department of the Interior that E-bikes should be allowed where other, non-motorized types of bicycles are allowed and not allowed where other, non-motorized types of bicycles are prohibited. Accordingly, the proposed rule would include a definition for electric bicycles, or e-bikes. E-bikes may have 2 or 3 wheels and must have fully operable pedals. The electric motor for an E-bike may not

exceed 750 watts (one horsepower). E-bikes must fall into one of three classes:

a. ''Class 1 electric bicycle'' shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour;

b. ''Class 2 electric bicycles'' shall mean an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; and

c. ''Class 3 electric bicycle'' shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

The Bureau of Reclamation is proposing to make the following changes to 43 CFR part 420:

- Section 420.5(a) will be amended to include E-bikes that satisfy certain criteria in the specified exemptions to the definition of off-road vehicles.
- Section 420.5(h) will be added to define electric bicycles consistent with Secretarial Order 3376.
- Section 420.21(d) will be added to clarify applicability to E-bikes with pedal-assisted propulsion.

Reclamation expects that the changes directed by the proposed rule could facilitate increased E-bike ridership on Reclamation lands in the future. However, the proposed rule would not be self-executing. The proposed rule, in and of itself, would not change existing allowances for E-bike usage on Reclamation-administered public lands. It would neither allow E-bikes on roads and trails that are currently closed to off-road vehicles but open to mechanized, non-motorized bicycle use, nor affect the use of E-bikes and other motorized vehicles on roads and trails where off-road vehicle use is currently allowed. While Reclamation intends for this proposed rule to increase accessibility to public lands, E-bikes would not be given special access beyond what traditional, non-motorized bicycles are allowed. To address site-specific issues, Reclamation would consider the environmental impacts from the use of E-bikes through subsequent analysis in accordance with applicable legal requirements, including the National Environmental Policy Act of 1969 (NEPA).

II. Compliance With Other Laws, Executive Orders, and Department Policy

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. The OIRA has waived review of this proposed rule and, at the final rule stage, will make a separate decision as to whether the rule is a significant regulatory action as defined by Executive Order 12866.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 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 proposed rule in a manner consistent with these requirements.

This proposed rule is not an Executive Order 13771 regulatory action because it is not significant under Executive Order 12866.

Regulatory Flexibility Act

The Department of the Interior certifies that this proposed rule 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.*).

Small Business Regulatory Enforcement Fairness Act

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

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

Unfunded Mandates Reform Act (UMRA)

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

Takings (Executive Order 12630)

This proposed rule does not affect a taking of private property or otherwise have taking implications under Executive Order 12630. This proposed rule is not a government action capable of interfering with constitutionally protected property rights. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, this proposed rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. It does not have a substantial direct effect on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the levels of government. A federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This proposed rule complies with the requirements of Executive Order 12988. Specifically, this proposed 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.

Consultation With Indian Tribes (Executive Order 13175)

Under the criteria in Executive Order 13175, we have evaluated this proposed rule and determined that it has no potential effects on federally recognized Indian tribes. This proposed rule does not have tribal implications that impose substantial direct compliance costs on Indian Tribal governments.

Paperwork Reduction Act of 1995

This proposed rule does not contain information collection requirements,

and a submission to the Office of Management and Budget under the Paperwork Reduction Act is not required.

National Environmental Policy Act

This proposed rule is categorically excluded from NEPA analysis under DOI categorical exclusion, 43 CFR 46.210(i), which covers ''Policies, directives, regulations, and guidelines: That are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively, or case-by-case.'' This proposed rule would not change the existing allowances for E-bike usage on Reclamation lands. Rather, it adds a new definition for E-bikes and directs Reclamation to specifically address E-bike usage in future recreation and land-use decisions. The categorical exclusion is appropriate and applicable because the proposed rule is for an administrative change and the environmental effects of the proposed rule in future land use and implementation-level decisions to open or close lands are too speculative to lend themselves to meaningful analysis in this proposed rulemaking. The environmental consequences of these decisions will be subject to the NEPA process before a land use decision is made to ensure the appropriate management of resources on a case-by-case basis.

Pursuant to 43 CFR 46.205(c), Reclamation has reviewed its reliance upon this categorical exclusion against the list of extraordinary circumstances, at 43 CFR 46.215, and has found that none are applicable for this proposed rule. Therefore, neither an environmental assessment nor an environmental impact statement is required for this proposed rulemaking.

Effects on the Energy Supply (Executive Order 13211)

This proposed rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required. This proposed rule will not have a significant effect on the nation's energy supply, distribution, or use.

Clarity of This Regulation

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the proposed rule, your comments should be as specific as possible. For example, you should tell us which sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

List of Subjects in 43 CFR Part 420

E-bikes, Recreation.

For the reasons stated in the preamble, Reclamation proposes to amend part 420 of title 43 of the Code of Federal Regulations as follows:

PART 420—OFF-ROAD VEHICLE USE

■ 1. The authority citation for part 420 continues to read as follows:

Authority: 32 Stat. 388 (43 U.S.C. 391 *et seq.*) and act amendatory thereof and supplementary thereto; E.O. 11644 (37 FR 2877).

■ 2. Amend § 420.5 by revising paragraph (a) and adding paragraph (h) to read as follows:

§ 420.5 Definitions.

* * * * *

(a) *Off-road vehicle* means any motorized vehicle (including the standard automobile) designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or natural terrain. The term excludes:

(1) Nonamphibious registered motorboats;

(2) Military, fire, emergency, or law enforcement vehicles when used for emergency purpose;

(3) Self-propelled lawnmowers, snowblowers, garden or lawn tractors, and golf carts while being used for their designed purpose;

(4) Agricultural, timbering, construction, exploratory, and development equipment and vehicles while being used exclusively as authorized by permit, lease, license, agreement, or contract with the Bureau;

(5) Any combat or combat support vehicle when used in times of national defense emergencies;

(6) ''Official use'' vehicles; and

(7) Electric bikes as defined by § 420.5(h), except those being used in a manner where the motor is being used exclusively to propel the E-bike.

* * * * *

(h) *Electric Bicycle* (also known as an E-bike) shall mean a two- or three-wheeled cycle with fully operable pedals and an electric motor of not more than 750 watts (1 h.p.) that meets the requirements of one of the following three classes:

(1) Class 1 electric bicycle shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(2) Class 2 electric bicycle shall mean an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(3) Class 3 electric bicycle shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

Subpart B—Designated Areas and Permitted Events

■ 3. Amend § 420.21 by adding paragraph (d) to read as follows:

§ 420.21 Procedure for designating areas for off-road vehicle use.

* * * * *

(d) The appropriate regional director should generally allow E-bikes whose mechanical features are being used as an assist to human propulsion on roads and trails upon which mechanized, non-motorized use is allowed, in compliance with the requirements of this section, unless the authorized officer determines that E-bike use would be inappropriate on such roads and trails. If the appropriate regional director allows E-bikes in accordance with this paragraph, an E-bike user shall be afforded the rights and privileges, and be subject to

all the duties, of non-motorized bicycles.

Aubrey J.D. Bettencourt,

Deputy Assistant Secretary—Water and Science.

[FR Doc. 2020–07213 Filed 4–10–20; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 273

[Docket No. FRA–2019–0069, Notice No. 2]

RIN 2130–AC85

Metrics and Minimum Standards for Intercity Passenger Rail Service

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Proposed rule; announcement of public hearing.

SUMMARY: On March 31, 2020, FRA published a notice of proposed rulemaking (NPRM) that proposed metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations. FRA is announcing a public hearing to provide members of the public an opportunity to provide oral comments on the proposal. The public hearing will be held telephonically, instead of in-person.

DATES: The public hearing will be held on April 30, 2020, from 1:00 p.m. (EDT) to 4:00 p.m. (EDT). The comment period for the NPRM published on March 31, 2020, (85 FR 17835) is open through June 1, 2020. Written comments in response to views or information provided at the public hearing must be received by that date.

ADDRESSES: The public hearing will be held telephonically. If you are interested in participating in the public hearing please visit *https://railroads.dot.gov/legislation-regulations/regulations-rulemaking/metrics-and-minimum-standards-intercity-passenger.* For assistance registering for the public hearing, contact Katie List at *Katie.List@dot.gov* or (202) 493–0530.

Written comments in response to views or information provided at the public hearing may be submitted by any of the methods listed in the NPRM. *See* 85 FR 17835.

FOR FURTHER INFORMATION CONTACT: Kristin Ferriter, Office of Railroad Policy and Development, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 493–0197, *Kristin.Ferriter@dot.gov.*

SUPPLEMENTARY INFORMATION: Members of the public are invited to present oral statements, and to offer information and views about the NPRM at the public hearing. The hearing will be informal and will be conducted by a representative FRA designates under FRA's Rules of Practice (49 CFR 211.25). The hearing will be a non-adversarial proceeding; therefore, there will be no cross examination of persons presenting statements or offering evidence. An FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements are completed those persons wishing to make a brief rebuttal will be given the opportunity to do so in the same order the initial statements were made. FRA will announce additional procedures necessary to conduct the hearing, at the beginning of the hearing. The purpose of this hearing is to receive oral comments in response to an NPRM for metrics and minimum standards for intercity passenger rail service. FRA will add a transcript of the discussions to the public docket in this proceeding.

Public Participation Procedures. Any person wishing to make a statement at the hearing should notify Katie List by telephone or email (*Katie.List@dot.gov;* (202) 493–0530) at least 5 working days before the date of the hearing and should submit a copy of the oral statement they intend to make at the proceeding (late filers will be accommodated to the extent possible). The notification should identify the party the person represents, the particular subject(s) the person plans to address, and the time requested. The notification should also provide the participant's mailing address and other contact information. FRA reserves the right to limit participation in the hearing of persons who fail to provide such notification. FRA also reserves the right to limit the duration of presentations if necessary to afford as many people as possible the opportunity to speak.

For information on services for persons with disabilities, or to request special assistance in connection with the hearing, contact Kristin Ferriter, by telephone or email, at least 5 working days before the date of the hearing by one of the means listed in the **FOR FURTHER INFORMATION CONTACT** section.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of *www.regulations.gov.* Interested parties may also review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Issued in Washington, DC, on April 7, 2020.

Brett A. Jortland,

Acting Chief Counsel.

[FR Doc. 2020–07624 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–06–P

Notices

Federal Register
Vol. 85, No. 71
Monday, April 13, 2020

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Oklahoma Advisory Committee

AGENCY: U.S. Commission on Civil Rights

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Oklahoma Advisory Committee (Committee) will hold a meeting on Tuesday, May 12, 2020 at 2:00 p.m. Central Time. The purpose of meeting is to discuss Committee's potential project prompts.

DATES: The meeting will take place on Tuesday, May 12, 2020 at 2:00 p.m. Central Time.

PUBLIC CALL INFORMATION: Dial: 888–204–4368, Conference ID: 1288358.

FOR FURTHER INFORMATION CONTACT: Brooke Peery, DFO, at *bpeery@usccr.gov* or (202) 701–1376.

SUPPLEMENTARY INFORMATION: Members of the public may listen to this discussion through the above call in number. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 230 S Dearborn, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324, or emailed to Corrine Sanders at *csanders@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Oklahoma Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome & Roll Call
II. Approval of Minutes
III. Discuss on Potential Project Prompts
IV. Public Comment
VI. Adjournment

Dated: April 7, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–07628 Filed 4–10–20; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Idaho Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Idaho Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Mountain Time) on Tuesday, April 28, 2020. The purpose of the meeting is to discuss the Committee's project on Native American Voting Rights and planning upcoming community forums.

DATES: The meeting will be held on Tuesday, April 28, 2020, at 1:00 p.m. Mountain Time.

To Join Skype Meeting: Public Call Information: 206–800–4892; Conference ID: 229174241.

FOR FURTHER INFORMATION CONTACT: Brooke Peery (DFO) at *bpeery@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the telephone number listed above. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Angelica Trevino *atrevino@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzkZAAQ.*

Please click on the ''Committee Details'' tab. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's

website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Roll Call
Approval of Minutes
Discussion: Project on Native American Voting Rights
Public Comment
Adjournment

Dated: April 8, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–07699 Filed 4–10–20; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Utah Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the meeting of the Utah Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. (Mountain Time) Friday, May 15, 2020. The purpose of the meeting is for the Committee to review their report draft on the gender wage gap.

DATES: The meeting will be held on Friday, May 15, 2020 at 12:00 p.m. MT.

Public Call Information: Dial: 888–204–4368. Conference ID: 8578294.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 888–204–4368, conference ID number: 8578294. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzltAAA.*

Please click on the ''Committee Meetings'' tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Approve Minutes From March 27, 2020 Meeting
III. Review Report Draft
VI. Public Comment
V. Next Steps
VI. Adjournment

Dated: April 8, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–07705 Filed 4–10–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–820]

Prestressed Concrete Steel Wire Strand From Thailand: Rescission of Antidumping Duty Administrative Review; 2019

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on prestressed concrete steel wire strand (PC Strand) from Thailand for the period January 1, 2019, through December 31, 2019.

DATES: Applicable April 13, 2020.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Samantha Kinney, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; Telephone: (202) 482–1766 or (202) 482–2285, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 2, 2020, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on PC Strand from Thailand for the period January 1, 2019, through December 31, 2019.[1] On January 31, 2020, The Siam Industrial Wire Co., Ltd. (SIW), a respondent interested party, filed a timely request for review with respect to itself.[2] Based on this request, on March 10, 2020, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), Commerce published in the **Federal Register** a notice of initiation of an administrative review covering the period January 1, 2019, through December 31, 2019.[3] On March 9, 2020, SIW submitted a timely request to withdraw its request for administrative review of the antidumping duty order on PC Strand from Thailand.[4]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested the review withdraw the request within 90 days of the date of publication of notice of initiation of the requested review. As noted above, SIW fully withdrew its request by the 90-day deadline, and no other party requested an administrative review of the antidumping duty order. As such, Commerce is in receipt of a timely request for withdrawal of the instant administrative review with

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 85 FR 64 (January 2, 2020).

[2] *See* SIW's Letter, ''Request of The Siam Industrial Wire Co., Ltd. for Administrative Review of the Antidumping Duty Order on Prestressed Concrete Steel Wire Strand from Thailand,'' dated January 31, 2020.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 13860 (March 10, 2020) (*Initiation Notice*).

[4] *See* SIW's Letter, ''Withdrawal of Request of The Siam Industrial Wire Co., Ltd. for Administrative Review of the Antidumping Duty Order on Prestressed Concrete Steel Wire Strand from Thailand,'' dated March 9, 2020.

respect to the only company listed in the *Initiation Notice.* Accordingly, we are rescinding the administrative review of the antidumping duty order on PC Strand from Thailand for the period January 1, 2019, through December 31, 2019.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Because Commerce is rescinding this review in its entirety, the entries to which this administrative review pertained shall be assessed at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This notice is issued and published in accordance with section 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: April 7, 2020.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2020–07718 Filed 4–10–20; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–817]

Certain Hot-Rolled Carbon Steel Flat Products From Thailand: Final Results of Administrative Review and Determination of No Shipments; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) determines that there were no shipments of subject merchandise during the period of review (POR) November 1, 2017 through October 31, 2018.

DATES: Applicable April 13, 2020.

FOR FURTHER INFORMATION CONTACT: Chelsey Simonovich, 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) 482–1979.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* on December 16, 2019.[1] Interested parties were asked to comment within 30 days of the date of publication. We received no comments.

Scope of the Order

The products covered by the order are certain hot-rolled carbon steel flat products from Thailand. For a complete description of the scope of the order, *see* the Appendix to this notice.

Final Determination of No Shipments

In the *Preliminary Results,* we found that Sahaviriya Steel Industries Public Co., Ltd. (Sahaviriya) and G Steel Public Company Ltd. (G Steel) had no shipments of the subject merchandise to the United States during the POR. Also, in the *Preliminary Results,* we stated that, consistent with our practice, it was not appropriate to rescind the review, but rather to complete the review and issue appropriate instructions to Customs and Border Protection (CBP) based on the final results of this review.[2]

After issuing the *Preliminary Results,* we received no information that contradicted our *Preliminary Results.* No interested party commented on the *Preliminary Results.* Therefore, for these final results, we continue to find that Sahaviriya and G Steel had no shipments of the subject merchandise to the United States during the POR.

Assessment Rates

Commerce determines, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these final results of review.[3] Consistent with Commerce's clarification to its assessment practice, because we determined that Sahaviriya and G Steel had no shipments of subject merchandise to the United States during the POR, for entries of subject merchandise during the POR produced, but not exported by, Sahaviriya and G Steel, we will instruct CBP to liquidate any entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[4]

We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for G Steel and Sahaviriya will remain unchanged from the rate assigned to them in the most recently completed review of those companies; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment; (3) if the exporter is not a firm covered in this

[1] *See Certain Hot-Rolled Carbon Steel Flat Products from Thailand: Preliminary Determination of No Shipments; 2017–2018,* 84 FR 68398 (December 16, 2019) (*Preliminary Results*).

[2] *See, e.g., Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review,* 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal from the Russian Federation: Final Results of Antidumping Duty Administrative Review,* 75 FR 56989 (September 17, 2010).

[3] *See* 19 CFR 351.212(b).

[4] For a full discussion, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

review, a prior review, or the original investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently completed segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 4.44 percent, the all-others rate established in the less-than-fair-value investigation.[5] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: April 7, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Order

For purposes of the *Order,* the products covered are certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of the order.

Specifically included within the scope of the order are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of the order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese,
or 2.25 percent of silicon,
or 1.00 percent of copper,
or 0.50 percent of aluminum,
or 1.25 percent of chromium,
or 0.30 percent of cobalt,
or 0.40 percent of lead,
or 1.25 percent of nickel,
or 0.30 percent of tungsten,
or 0.10 percent of molybdenum,
or 0.10 percent of niobium,
or 0.15 percent of vanadium,
or 0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of the order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of the order:

—Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.,* ASTM specifications A543, A387, A514, A517, A506).
—Society of Automotive Engineers (SAE)/American Iron and Steel Institute (AISI) grades of series 2300 and higher.
—Ball bearings steels, as defined in the HTS.
—Tool steels, as defined in the HTS.
—Silico-manganese (as defined in the HTS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
—ASTM specifications A710 and A736.
—USS Abrasion-resistant steels (USS AR 400, USS AR 500).
—All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
—Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTS.

The merchandise subject to the order is classified in the HTS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled flat-rolled carbon steel flat products covered by the order, including: Vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.01.80. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTS subheadings are provided for convenience and U.S. Customs purposes, the written description of the merchandise under the order is dispositive.

[FR Doc. 2020–07717 Filed 4–10–20; 8:45 am]

BILLING CODE 3510–DS–P

[5] *See Notice of Final Determination of Sales at Less Than Fair Value; Certain Hot Rolled Carbon Steel Flat Products from Thailand,* 66 FR 49623 (September 28, 2001).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–814]

Certain Circular Welded Non-Alloy Steel Pipe From Taiwan: Final Results of Administrative Review and Determination of No Shipments; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) determines that there were no shipments of subject merchandise during the period of review (POR) November 1, 2017 through October 31, 2018.

DATES: Applicable April 13, 2020.

FOR FURTHER INFORMATION CONTACT: Chelsey Simonovich, 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) 482–1979.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* on December 27, 2019.[1] Interested parties were asked to comment within 30 days of the date of publication. We received no comments.

Scope of the Order

The products covered by the order are circular welded pipe from Taiwan. For a complete description of the scope of the order, *see* the Appendix to this notice.

Final Determination of No Shipments

In the *Preliminary Results,* we found that Founder Land, Shin Yang Steel Co., Ltd. (Shin Yang), Tension Steel Enterprise Co., Ltd. (Tension Steel), Yieh Hsing Enterprise Co., Ltd. (Yieh Hsing), and Yieh Phui Enterprise Co., Ltd. (Yieh Phui) had no shipments of the subject merchandise to the United States during the POR. Also, in the *Preliminary Results,* we stated that consistent with our practice, it was not appropriate to rescind the review, but rather to complete the review and issue appropriate instructions to Customs and Border Protection (CBP) based on the final results of this review.[2]

After issuing the *Preliminary Results,* we received no information that contradicted our *Preliminary Results.* No interested party commented on the *Preliminary Results.* Therefore, for these final results, we continue to find that Founder Land, Shin Yang, Tension Steel, Yieh Hsing, and Yieh Phui had no shipments of the subject merchandise to the United States during the POR.

Assessment Rates

Commerce determines, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these final results of review.[3] Consistent with Commerce's clarification to its assessment practice, because we determined that Founder Land, Shin Yang, Tension Steel, Yieh Hsing, and Yieh Phui had no shipments of subject merchandise to the United States during the POR, for entries of subject merchandise during the POR produced by Founder Land, Shin Yang, Tension Steel, Yieh Hsing, or Yieh Phui, for which these companies did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate any entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[4]

We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for Founder Land, Shun Yang, Tension Steel, Yieh Hsing, and Yieh Phui will remain unchanged from the rate assigned to them in the most recently completed review of those companies; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently completed segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 23.56 percent, the all-others rate established in the less-than-fair-value investigation.[5] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: April 7, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Order

The products covered by this order are (1) circular welded non-alloy steel pipes and tubes, of circular cross section over 114.3 millimeters (4.5 inches), but not over 406.4 millimeters (16 inches) in outside diameter, with a wall thickness of 1.65 millimeters (0.065 inches) or more, regardless of surface finish (black, galvanized, or painted), or end-finish (plain end, beveled end, threaded, or threaded and coupled); and (2) circular welded non-alloy steel pipes and tubes, of circular cross-section less than 406.4 millimeters (16 inches), with a wall thickness of less than 1.65 millimeters (0.065 inches), regardless of surface finish (black, galvanized, or painted) or end-finish (plain end, beveled end, threaded, or threaded and coupled). These pipes and tubes are generally known as standard pipes and tubes and are intended for the low pressure conveyance of water, steam, natural gas, air, and other liquids and gases in plumbing and heating systems, air conditioning units, automatic sprinkling systems, and other related uses, and generally meet ASTM A–53 specifications. Standard pipe may also be used for light load-bearing applications, such as for fence-tubing and as structural pipe tubing used for framing and support members for construction, or load-bearing purposes in the construction, shipbuilding, trucking, farm-equipment, and related

[1] *See Certain Circular Welded Non-Alloy Steel Pipe from Taiwan: Preliminary Determination of No Shipments; 2017–2018,* 84 FR 71367 (December 27, 2019) (*Preliminary Results*).

[2] *Id.,* 84 FR at 71368; *see, e.g., Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review,* 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal from the Russian Federation: Final Results of Antidumping Duty Administrative Review,* 75 FR 56989 (September 17, 2010).

[3] *See* 19 CFR 351.212(b).

[4] For a full discussion, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[5] *See Notice of Antidumping Duty Order: Circular Welded Non-Alloy Steel Pipe from Taiwan,* 57 FR 49454 (November 2, 1992).

industries. Unfinished conduit pipe is also b18included in this order.

All carbon steel pipes and tubes within the physical description outlined above are included within the scope of this order, except line pipe, oil country tubular goods, boiler tubing, mechanical tubing, pipe and tube hollows for redraws, finished scaffolding, and finished conduit. Standard pipe that is dual or triple certified/stenciled that enters the U.S. as line pipe of a kind or used for oil and gas pipelines is also not included in this investigation.

Imports of the products covered by this order are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings, 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, 7306.30.50.90. Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

[FR Doc. 2020–07716 Filed 4–10–20; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–805]

Certain Circular Welded Non-Alloy Steel Pipe From Mexico: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) continues to find that Conduit, S.A. de C.V. (Conduit), Mueller Comercial de Mexico, S. de R.L. de C.V. (Mueller), and RYMCO made no shipments of subject merchandise during the period of review (POR), November 1, 2017 through October 31, 2018.

DATES: Applicable April 13, 2020.

FOR FURTHER INFORMATION CONTACT: Mark Flessner or Erin Kearney, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6312 or (202) 482–0167, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 17, 2019, Commerce published in the **Federal Register** the *Preliminary Results* of this administrative review.[1] In accordance with 19 CFR 351.309(c)(1)(ii), Commerce invited interested parties to comment on the *Preliminary Results.* On October 17, 2019, Independence Tube Corporation and Southland Tube, Incorporated (collectively, Domestic Interested Parties) submitted a case brief.[2] On October 22, 2019, Conduit and Mueller each submitted a rebuttal brief.[3]

These final results cover Conduit, Mueller, and RYMCO.[4] Based on an analysis of the comments received, we have made no changes to the *Preliminary Results.* This administrative review was conducted in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Commerce exercised its discretion to toll all deadlines affected by the partial federal government closure from December 22, 2018, through the resumption of operations on January 29, 2019.[5] If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. On February 11, 2020, we extended the deadline for these final results, until March 13, 2020.[6] We extended the deadline of the final results a second time, until May 14, 2020.[7]

Scope of the Order [8]

The merchandise under review is certain circular welded non-alloy steel pipes and tubes. The merchandise covered by the *Order* and subject to this review is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, and 7306.30.50.90. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.[9]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are addressed in the Issues and Decision Memorandum. A list of the issues which parties raised, and to which we respond in the Issues and Decision Memorandum, follows in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, and for the reasons explained in the Issues and Decision Memorandum, Commerce made no changes to the *Preliminary Results.*

[1] *See Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Preliminary Results of Antidumping Duty Administrative Review and Rescission of Review, in Part; 2017–2018,* 84 FR 48907 (September 17, 2019) (*Preliminary Results*).

[2] *See* Domestic Interested Parties' Letter, ''Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Case Brief,'' dated October 17, 2019.

[3] *See* Conduit's Letter, ''Circular Welded Non-Alloy Steel Pipe from Mexico: Rebuttal Brief,'' dated October 22, 2019 (Conduit's Rebuttal Brief). Conduit's Rebuttal Brief was filed on behalf of Conduit and RYMCO. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 2159 (February 6, 2019) (*Initiation Notice*). RYMCO, though listed in the *Initiation Notice* as a respondent, does not exist as a separate company and is merely Conduit's brand name; *see also* Mueller's Letter, ''Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Rebuttal Brief of Mueller Comercial de Mexico,'' dated October 22, 2019.

[4] *See* Domestic Interested Parties' Letter, ''Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Partial Withdrawal of Request for Administrative Review,'' dated May 7, 2019; *see also* Wheatland Tube's Letter, ''Certain Circular Welded Non-Alloy Steel Pipes and Tubes from Mexico: Partial Withdrawal of Request for Administrative Review,'' dated May 7, 2019.

[5] *See* Memorandum to the Record from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Partial Shutdown of the Federal Government,'' dated January 28, 2019. All deadlines in this segment of the proceeding have been extended by 40 days.

[6] *See* Memorandum, ''Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review,'' dated February 11, 2020.

[7] *See* Memorandum, ''Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review,'' dated March 11, 2020.

[8] *See Notice of Antidumping Duty Orders: Certain Circular Welded Non-Alloy Steel Pipe from Brazil, the Republic of Korea (Korea), Mexico, and Venezuela and Amendment to Final Determination of Sales at Less Than Fair Value: Certain Welded Non-Alloy Steel Pipe from Korea,* 57 FR 49453 (November 2, 1992) (the *Order*).

[9] *See* Memorandum, ''Issues and Decisions Memorandum for the Final Results of the Antidumping Duty Administrative Review: Certain Circular Welded Non-Alloy Steel Pipe from Mexico; 2017–2018,'' dated concurrently with this notice (Issues and Decisions Memorandum).

Final Determination of No Shipments

Prior to the issuance of the questionnaire, Conduit reported that it made no sales of subject merchandise during the POR.[10] On May 8, 2019, we placed the U.S. Customs and Border Protection (CBP) port inquiry instructions on the record that we sent to CBP regarding each company that submitted a statement of no shipments. We received no information from CBP contrary to the statements of no shipments from the companies contained in the attachments to the CBP Information Memorandum.[11]

On June 28, 2019, we received a certification of no shipments of subject merchandise from Mueller, which contained documentation in support of its contention that it had no prior knowledge of the entry of products it had sold into the United States.[12] Based on this evidence, we preliminarily determined that Mueller made no shipments of subject merchandise into the United States during the POR.[13]

On July 8, 2019, we received a certification of no shipments of subject merchandise from Conduit and RYMCO which contained documentation supporting their contentions that they had no prior knowledge of subject merchandise exported to the United States during the POR, and that the products listed in the CBP data were not subject merchandise.[14] Based on this evidence, we preliminarily determined that Conduit and RYMCO made no shipments of subject merchandise into the United States during the POR.[15]

For the reasons explained in the Issues and Decision Memorandum, we continue to determine for these final results that Conduit, Mueller, and RYMCO made no shipments of subject merchandise during the POR.

Assessment

Commerce shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. Because Commerce determined that Conduit, Mueller, and RYMCO had no shipments of the subject merchandise, any suspended entries that entered under those companies' case numbers (*i.e.,* at those companies' rates) will be liquidated at the all-others rate effective during the POR, consistent with Commerce's practice.[16] We intend to issue assessment instructions directly to CBP 41 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements for estimated antidumping duties will be effective upon publication of the notice of these final results of review for all shipments of circular welded non-alloy steel pipe from Mexico entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Conduit, Mueller, and RYMCO will continue to be the company-specific rate published for the most recent period; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, then the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 32.62 percent, the all-others rate established in the LTFV investigation.[17] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties and/or countervailing duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to 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), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing notice of these final results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: April 7, 2020

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Issues
  Comment 1: No-Shipment Statements in Lieu of Questionnaire Response
  Comment 2: Adequacy of Support for Conduit's No Shipment Statement
  Comment 3: Application of Adverse Facts Available to Conduit
  Comment 4: Adequacy of Support for Mueller's No Shipment Statement
  Comment 5: Application of Adverse Facts Available to Mueller
V. Recommendation

[FR Doc. 2020–07719 Filed 4–10–20; 8:45 am]

BILLING CODE 3510–DS–P

[10] *See* Conduit's Letter, ''Circular Welded Non-Alloy Steel Pipe from Mexico: Response to Comments on Notice of No Sales and Confirmation of No Sales, dated April 19, 2019. This statement included RYMCO.

[11] The port inquiries were for: Conduit, ITISA, Lamina y Placa, Mach 1 Aero, Mach 1 Global, Regiopytsa, Tubacero, and TUMEX.

[12] *See* Mueller's Letter, ''Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Mueller Certification of No Shipments,'' dated June 28, 2019.

[13] *See Preliminary Results.*

[14] *See* Conduit/RYMCO's Letter, ''Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Conduit/RYMCO Response to Department Questionnaire—Statement of No Sales of Subject Merchandise,'' dated July 8, 2019.

[15] *See Preliminary Results,* 84 FR at 48908.

[16] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[17] *See Final Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe from Mexico,* 57 FR 42953 (September 17, 1992); *see also* the *Order.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Economic Surveys of Specific U.S. Commercial Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), 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 proposed and/or

continuing information collections, 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, comments regarding this proposed information collection must be received on or before June 12, 2020.

ADDRESSES: Direct all written comments to Adrienne Thomas, PRA Officer, NOAA, 151 Patton Avenue, Room 159, Asheville, NC 28801 (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 Dr. Joe Terry, Office of Science and Technology, 1315 East-West Hwy., Bldg. SSMC3, Silver Spring, MD 20910–3282, (858) 454 –2547, *joe.terry@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Office of Science and Technology is sponsoring this collection, which consists of economic surveys that will be conducted in selected commercial fisheries for the West Coast, the Southeast, Hawaii, and the U.S. Pacific Islands territories.

The requested information will include different components of operating costs/expenditures, earnings, employment, ownership, vessel characteristics, effort/gear descriptors, employment, and demographic information for the various types of fishing vessels operating in the 15 U.S. commercial fisheries listed below.

1. West Coast Limited Entry Groundfish Fixed Gear Fishery
2. West Coast Open Access Groundfish, Non-tribal Salmon, Crab, and Shrimp Fisheries
3. American Samoa Longline Fishery
4. Hawaii Longline Fishery
5. Hawaii Small Boat Fishery
6. American Samoa Small Boat Fishery
7. American Samoa (ESAS), Guam, and The Commonwealth of The Northern Mariana Islands (CNMI) Small Boat-Based Fisheries
8. Mariana Archipelago Small Boat Fishery
9. USVI Small-Scale Fisheries
10. Puerto Rico Small-Scale Fisheries
11. Gulf of Mexico Inshore Shrimp Fishery
12. Golden Crab Fisheries in the U.S. South Atlantic Region
13. West Coast Coastal Pelagic Fishery
14. West Coast Swordfish Fishery
15. West Coast North Pacific Albacore Fishery

A variety of laws, Executive Orders (EOs), and NOAA Fisheries strategies and policies include requirements for economic data and the analyses they support. When met adequately, those requirements allow better-informed conservation and management decisions on the use of living marine resources and marine habitat in federally managed fisheries. Obtaining these data improves the ability of NOAA Fisheries and the Regional Fishery Management Councils (Councils) to monitor, explain and predict changes in the economic performance and impacts of federally managed commercial fisheries. Measures of economic performance include costs, earnings, and profitability (net revenue); productivity and economic efficiency; capacity; economic stability; the level and distribution of net economic benefits to society; and market power. The economic impacts include sector, community or region-specific, and national employment, sales, value-added, and income impacts. Economic data are required to support more than a cursory effort to comply with or support the following laws, EOs, and NOAA Fisheries strategies and policies:

1. The Magnuson-Stevens Fishery Conservation and Management Act (MSA)
2. The Marine Mammal Protection Act (MMPA)
3. The Endangered Species Act (ESA)
4. The National Environmental Policy Act (NEPA)
5. The Regulatory Flexibility Act (RFA)
6. E.O. 12866 (Regulatory Planning and Review)
7. E.O. 13771 (Reducing Regulation and Controlling Regulatory Costs)
8. E.O. 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations)
9. E.O. 13840 (Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States).
10. The NOAA Fisheries Guidelines for Economic Reviews of Regulatory Actions
11. The NOAA Fisheries Strategic Plan 2019–2022 (Strategic Plan)
12. The NOAA Fisheries Ecosystem-Based Fishery Management (EBFM) Road Map
13. The NOAA Fisheries National Bycatch Reduction Strategy
14. NOAA's Catch Share Policy.

Data collections will focus each year on a different set of the 15 commercial fisheries. This cycle of data collection will facilitate economic data being available and updated for all those commercial fisheries.

There will be an effort to coordinate the data collections in order to reduce the additional burden for those who participate in multiple fisheries. To further reduce the burden, the requested information for a specific fishery will be limited to that which is not available from other sources. Participation in these data collections will be voluntary.

The proposed revisions to the information collection will: (a) Change the title of the currently approved information collection from ''West Coast Limited Entry Groundfish Fixed Gear Economic Data Collection'' to ''Economic Surveys of Specific U.S. Commercial Fisheries''; (b) expand it to include an additional 14 fisheries, for which information had been collected under other previously approved information collections; (c) extend it for three years; and (d) increase the burden hours to the sum of the burden hours for the 15 information collections.

II. Method of Collection

The information will be collected by mail, internet, phone, and in-person interviews. In general, respondents will receive a mailed copy of the survey instrument in advance of a phone or in-person interview. Where feasible, survey respondents will have the option to respond to an on-line survey. If phone and in-person interviews are not feasible or not desired by the potential respondents, the information will be collected by mail or internet.

III. Data

OMB Control Number: 0648–0773.

Form Number(s): None.

Type of Review: Regular submission (revision of a currently approved collection).

Affected Public: Individuals or households and business or other for-profit organizations.

Estimated Number of Respondents: 2,424.

Estimated Time per Response:

West Coast Open Access Groundfish, Non-tribal Salmon, Crab, and Shrimp Economic Data Collection: 3 hours.

West Coast Limited Entry Groundfish Fixed Gear Economic Data Collection: 3 hours.

American Samoa Longline Survey: 1 hour.

Hawaii Longline Survey: 1 hour.

Hawaii Small Boat Economic Survey: 45 minutes.

American Samoa Small Boat Survey: 45 minutes.

Economic Surveys of American Samoa (ESAS), Guam, and The Commonwealth of The Northern Mariana Islands (CNMI) Small Boat-Based Fisheries (an add-on to a creel survey): 10 minutes.

Cost Earnings Survey of Mariana Archipelago Small Boat Fleet: 45 minutes.

Economic Expenditure Survey of Golden Crab Fishermen in the U.S. South Atlantic Region: 1 hour.

USVI Fisheries Economic Survey (Socio-Economic Profile of Small-Scale Commercial Fisheries (SSCF) in the U.S. Caribbean): 30 minutes.

Puerto Rico Fisheries Economic Survey (Socio-Economic Profile of Small-Scale Commercial Fisheries (SSCF) in the U.S. Caribbean): 1 hour.

Gulf of Mexico Inshore Shrimp Fishery Economic Survey: 30 minutes.

West Coast Swordfish Fishery Cost and Earnings Survey: 1 hour.

West Coast Coastal Pelagic Fishery Economic Survey: 1 hour, 40 minutes.

West Coast North Pacific Albacore Fishery Economic Survey: 1 hour.

Estimated Total Annual Burden Hours: 2,188.

Estimated Total Annual Cost to Public: $0.

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: April 7, 2020.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2020–07643 Filed 4–10–20; 8:45 am]

BILLING CODE 3510–22–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 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 27, 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 Bureau of Ocean Energy Management 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 April 13, 2020, until April 27, 2020.

Public Availability of Appeal Documents

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,

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 200407–0102]

RTID 0648–XW013

Endangered and Threatened Wildlife; 90-Day Finding on a Petition To List Oregon Coast Spring-Run Chinook Salmon as Threatened or Endangered Under the Endangered Species Act

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

ACTION: 90-Day petition finding, request for information, and initiation of status review.

SUMMARY: We, NMFS, announce a 90-day finding on a petition to list spring-run Chinook salmon (*Oncorhynchus tshawytscha*) on the Oregon coast (OC) as a threatened or endangered Evolutionarily Significant Unit (ESU) under the Endangered Species Act (ESA) and to designate critical habitat concurrently with the listing. We find that the petition presents substantial scientific information indicating the petitioned action may be warranted. We will conduct a status review of OC spring-run Chinook salmon to determine whether the petitioned action is warranted. To ensure that the status review is comprehensive, we are soliciting scientific and commercial information pertaining to this species from any interested party.

DATES: Scientific and commercial information pertinent to the petitioned action must be received by June 12, 2020.

ADDRESSES: You may submit data and information relevant to our review of the status of Oregon Coast spring-run Chinook, identified by ''Oregon Coast spring-run Chinook salmon Petition (NOAA–NMFS–2019–0130),'' by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2019-0130,* click the ''Comment Now'' icon, complete the required fields, and enter or attach your comments.
- *Mail or hand-delivery:* Protected Resources Division, West Coast Region, NMFS, 1201 NE Lloyd Blvd., Suite #1100, Portland, OR 97232. Attn: Gary Rule.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *http://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of the petition and other materials are available from the NMFS website at *www.fisheries.noaa.gov/rules-and-regulations.*

FOR FURTHER INFORMATION CONTACT: Gary Rule, NMFS West Coast Region, at *gary.rule@noaa.gov,* (503) 230–5424; or Heather Austin, NMFS Office of Protected Resources, at *heather.austin@noaa.gov,* (301) 427–8422.

SUPPLEMENTARY INFORMATION:

Background

On September 24, 2019, the Secretary of Commerce received a petition from the Native Fish Society, Center for Biological Diversity, and Umpqua Watersheds (hereafter, the Petitioners) to identify OC spring-run Chinook salmon as a separate ESU and list the ESU as threatened or endangered under the ESA. Previously, in 1999, we identified the OC Chinook salmon ESU as including both spring-run and fall-run Chinook salmon and determined that the ESU did not warrant listing as threatened or endangered under the ESA. The Petitioners are requesting that OC spring-run Chinook salmon be considered as a separate ESU and listed as threatened or endangered. The Petitioners assert that new research into the genomic basis for premature migration in salmonids demonstrates that significant genetic differences underlie the spring- and fall-run life history types, and that the unique evolutionary lineage of spring-run Chinook salmon warrants their listing as a separate ESU. The Petitioners also request the designation of critical habitat for OC spring-run Chinook salmon concurrent with ESA listing. The petition includes an overview of new research into the genomic basis for premature migration in salmonids, as well as general biological information about OC spring-run Chinook salmon including their distribution and range, life history characteristics, habitat requirements, as well as basin-level population status and trends and factors contributing to the populations' status. Copies of the petition are available as described above (see **ADDRESSES**, above).

ESA Statutory, Regulatory, and Policy Provisions, and Evaluation Framework

Section 4(b)(3)(A) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When it is found that substantial scientific or commercial information in a petition indicates the petitioned action may be warranted (a ''positive 90-day finding''), we are required to promptly commence a review of the status of the species concerned during which we will conduct a comprehensive review of the best available scientific and commercial information. In such cases, we conclude the review with a finding as to whether, in fact, the petitioned action is warranted within 12 months of receipt of the petition. Because the finding at the 12-month stage is based on a more thorough review of the available information, as compared to the narrow scope of review at the 90-day stage, a positive 90-day finding does not prejudge the outcome of the status review.

Under the ESA, a listing determination may address a species, which is defined to also include subspecies and, for any vertebrate species, any distinct population segment (DPS) that interbreeds when mature (16 U.S.C. 1532(16)). In 1991, we issued the Policy on Applying the Definition of Species Under the Endangered Species Act to Pacific Salmon (ESU Policy; 56 FR 58612; November 20, 1991), which explains that Pacific salmon populations will be considered a DPS, and hence a

''species'' under the ESA, if it represents an ''evolutionarily significant unit'' of the biological species. The two criteria for delineating an ESU are: (1) It is substantially reproductively isolated from other conspecific populations, and (2) it represents an important component in the evolutionary legacy of the species. The ESU Policy was used to define the OC Chinook salmon ESU in 1998 (63 FR 11482; March 9, 1998), and we use it exclusively for defining distinct population segments of Pacific salmon. A joint NMFS–U.S. Fish and Wildlife Service (USFWS) (jointly, ''the Services'') policy clarifies the Services' interpretation of the phrase ''distinct population segment'' for the purposes of listing, delisting, and reclassifying a species under the ESA (DPS Policy; 61 FR 4722; February 7, 1996). In announcing this policy, the Services indicated that the ESU Policy for Pacific salmon was consistent with the DPS Policy and that NMFS would continue to use the ESU Policy for Pacific salmon.

A species, subspecies, or DPS is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range, and ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively, 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, we determine whether species are threatened or endangered based on any one or a combination of the following five ESA section 4(a)(1) factors: The present or threatened destruction, modification, or curtailment of habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; the inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting the species' continued existence (16 U.S.C. 1533(a)(1)(A)–(E), 50 CFR 424.11(c)(1)–(5)).

ESA-implementing regulations issued jointly by NMFS and USFWS (50 CFR 424.14(h)(1)(i)) define ''substantial scientific or commercial information'' in the context of reviewing a petition to list, delist, or reclassify a species as ''credible scientific or commercial information in support of the petition's claims such that a reasonable person conducting an impartial scientific review would conclude that the action proposed in the petition may be warranted.'' Conclusions drawn in the petition without the support of credible scientific or commercial information will not be considered ''substantial information.'' In reaching the initial 90-day finding on the petition, we consider the information described in sections 50 CFR 424.14(c), (d), and (g) (if applicable).

Our determination as to whether the petition provides substantial scientific or commercial information indicating that the petitioned action may be warranted depends in part on the degree to which the petition includes the following types of information: (1) Information on current population status and trends and estimates of current population sizes and distributions, both in captivity and the wild, if available; (2) identification of the factors under section 4(a)(1) of the ESA that may affect the species and where these factors are acting upon the species; (3) whether and to what extent any or all of the factors alone or in combination identified in section 4(a)(1) of the ESA may cause the species to be an endangered species or threatened species (*i.e.,* the species is currently in danger of extinction or is likely to become so within the foreseeable future), and, if so, how high in magnitude and how imminent the threats to the species and its habitat are; (4) information on the adequacy of regulatory protections and effectiveness of conservation activities by States as well as other parties, that have been initiated or that are ongoing, that may protect the species or its habitat; and (5) a complete, balanced representation of the relevant facts, including information that may contradict claims in the petition. *See* 50 CFR 424.14(d).

If the petitioner provides supplemental information before the initial finding is made and states that it is part of the petition, the new information, along with the previously submitted information, is treated as a new petition that supersedes the original petition, and the statutory timeframes will begin when such supplemental information is received. *See* 50 CFR 424.14(g).

We also consider information readily available at the time the determination is made. We are not required to consider any supporting materials cited by the petitioner if the petitioner does not provide electronic or hard copies, to the extent permitted by U.S. copyright law, or appropriate excerpts or quotations from those materials (*e.g.,* publications, maps, reports, and letters from authorities). *See* 50 CFR 424.14(h)(1)(ii).

The ''substantial scientific or commercial information'' standard must be applied in light of any prior reviews or findings we have made on the listing status of the species that is the subject of the petition. Where we have already conducted a finding on, or review of, the listing status of that species (whether in response to a petition or on our own initiative), we will evaluate any petition received thereafter seeking to list, delist, or reclassify that species to determine whether a reasonable person conducting an impartial scientific review would conclude that the action proposed in the petition may be warranted despite the previous review or finding. Where the prior review resulted in a final agency action—such as a final listing determination, 90-day not-substantial finding, or 12-month not-warranted finding—a petitioned action will generally not be considered to present substantial scientific and commercial information indicating that the action may be warranted unless the petition provides new information or analyses not previously considered.

At the 90-day finding stage, we do not conduct additional research, and we do not solicit information from parties outside the agency to help us in evaluating the petition. We will accept the petitioner's sources and characterizations of the information presented if they appear to be based on accepted scientific principles, unless we have specific information in our files that indicates the petition's information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the 90-day finding stage, so long as it is reliable and a reasonable person conducting an impartial scientific review would conclude it supports the petitioner's assertions. In other words, conclusive information indicating that the species may meet the ESA's requirements for listing is not required to make a positive 90-day finding. We will not conclude that a lack of specific information alone necessitates a negative 90-day finding if a reasonable person conducting an impartial scientific review would conclude that the unknown information itself suggests the species may be at risk of extinction presently or within the foreseeable future.

To make a 90-day finding on a petition to list a species, we evaluate whether the petition presents substantial scientific or commercial information indicating the subject species may be either threatened or endangered, as defined by the ESA. First, we evaluate whether the information presented in the petition, in light of the information readily available in our files, indicates that the petitioned entity constitutes a ''species'' eligible for listing under the ESA. Next, we evaluate

whether the information indicates that the species faces an extinction risk such that listing, delisting, or reclassification may be warranted; this may be indicated in information expressly discussing the species' status and trends, or in information describing impacts and threats to the species. We evaluate any information on specific demographic factors pertinent to evaluating extinction risk for the species (*e.g.,* population abundance and trends, productivity, spatial structure, age structure, sex ratio, diversity, current and historical range, habitat integrity or fragmentation), and the potential contribution of identified demographic risks to extinction risk for the species. We then evaluate the potential links between these demographic risks and the causative impacts and threats identified in section 4(a)(1).

Information presented on impacts or threats should be specific to the species and should reasonably suggest that one or more of these factors may be operative threats that act or have acted on the species to the point that it may warrant protection under the ESA. Broad statements about generalized threats to the species, or identification of general factors that could negatively impact a species, alone, do not constitute substantial information indicating that listing may be warranted. We look for information indicating that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion; then we assess the potential significance of that negative response.

Previous Federal Actions

On March 9, 1998, following completion of a comprehensive status review of Chinook salmon (*O. tshawytscha*) populations in Washington, Oregon, Idaho, and California, NMFS published a proposed rule to list seven Chinook salmon ESUs as threatened or endangered under the ESA (63 FR 11482). In this proposed rule, NMFS identified the Oregon Coast (OC) Chinook salmon ESU as comprised of coastal populations of spring- and fall-run chinook salmon from the Elk River north to the mouth of the Columbia River (63 FR 11482). NMFS did not propose to list the OC ESU of Chinook salmon under the ESA, concluding that the ESU was neither in danger of extinction nor likely to become endangered in the foreseeable future. This proposed rule was followed by a final rule to list four Chinook salmon ESUs as threatened or endangered under the ESA, which NMFS published on March 24, 1999 (64 FR 14308). After assessing information concerning Chinook salmon abundance, distribution, population trends, and risks, and after considering efforts being made to protect Chinook salmon, NMFS determined in this final rule that the OC ESU of Chinook salmon did not warrant listing under the ESA.

Evaluation of Petition and Information Readily Available in NMFS' Files

The petition contains information and assertions in support of designating and listing the spring-run component of the OC Chinook salmon ESU as threatened or endangered under the ESA. As discussed above, based on biological, genetic, and ecological information compiled and reviewed as part of a previous West Coast Chinook salmon status review (Myers *et al.,* 1998), we included all spring-run and fall-run Chinook salmon populations in river basins from the Elk River north to the mouth of the Columbia River in the OC Chinook salmon ESU (63 FR 11482; March 9, 1998). While run-timing was recognized as having a heritable basis, review of genetic data at that time did not identify clear sub-groups associated with migration timing within the OC Chinook salmon ESU. Spring- and fall-run Chinook salmon were found to be separate ESUs in other areas (*e.g.,* in the upper Columbia River, Snake River, and Sacramento River drainages). However, in coastal areas life-history and genetic differences between runs were found to be relatively modest, with spring- and fall-run fish exhibiting similar ocean distribution patterns and genetic characteristics (Myers *et al.,* 1998).

The Petitioners assert that spring-run Chinook salmon in the OC Chinook salmon ESU have been sufficiently isolated from fall-run Chinook salmon for evolutionarily important differences to have arisen and been maintained. The Petitioners present new genetic evidence to suggest the OC spring-run Chinook salmon populations may qualify as a separate ESU from the fall-run populations. The Petitioners assert that findings from recently published articles on the evolutionary basis of premature migration in Pacific salmon (Prince *et al.,* 2017; Davis *et al.,* 2017; Narum *et al.,* 2018; and Thompson *et al.,* 2019) indicate that spring-run Chinook salmon in the OC ESU should be considered a separate ESU. Prince *et al.* (2017) reported on a survey of genetic variation between mature- and premature-migrating populations of steelhead and Chinook salmon from California, Oregon, and Washington. Narum *et al.* (2018) replicated analysis of loci identified by Prince *et al.* (2017) as associated with premature and mature migratory phenotypes. Davis *et al.* (2017) genotyped Chinook salmon within the Siletz River using multiple genetic markers, including neutral markers and adaptive loci associated with migratory timing. Thompson *et al.* (2019) provide additional information about genetic differentiation between mature- and premature-migrating Chinook salmon in the Rogue River, Oregon, and in the Klamath River, California, particularly in response to anthropogenic changes. The Petitioners suggest that the results of these studies indicate that premature migration (*e.g.* spring-run Chinook salmon) arose from a single evolutionary event within the species and, if lost, is not likely to re-evolve in time frames relevant to conservation planning.

The Petitioners also assert that the Chinook salmon spring-run life history represents an important component of the evolutionary legacy of the species. In support of this assertion, the Petitioners describe specific ecological and evolutionary benefits of the life history variation provided by spring-run stocks within the OC Chinook salmon ESU. The Petitioners describe how spring-run Chinook salmon tend to spawn higher up in the watershed than fall-run and how this adds to the spatial distribution of the species. We have reviewed the new genetic information and the information presented by the Petitioners about the evolutionary legacy of spring-run Chinook salmon. Based on information provided by the Petitioners, as well as information readily available in our files, we find that a reasonable person may conclude that OC spring-run Chinook salmon could qualify as an ESU pursuant to our ESU Policy.

OC Spring-Run Chinook Salmon Status and Trends

The Petitioners assert that spring-run Chinook salmon populations in the OC ESU have suffered significant declines in numbers from historical abundance. The Petitioners assert that former spring-run populations in the Siuslaw, Coos, and Salmon rivers are apparently extirpated and that small, very depressed populations of spring-run Chinook salmon remain in the Tillamook, Nestucca, Siletz, Alsea, and Coquille Rivers (Percy *et al.,* 1974; Nicholas and Hankin 1989; Kostow *et al.,* 1995; ODFW, 2005; ODFW, 2017; ODFW, 2018 unpublished data; Rasmussen and Nott, 2019). The Oregon Native Fish Status Report (ODFW, 2005) concluded that the Siletz spring-run Chinook salmon population, although small, passed all assessment criteria and was not considered at risk. ODFW (2005) further found that spring-run

Chinook salmon populations in the Coquille and Alsea Rivers were sufficiently spatially diverse, independent, and free of hybridization, but due to chronically low adult returns were still considered potentially at risk. Citing the above information sources and adult counts at Winchester Dam, the Petitioners also assert that the North Umpqua River supports the only remaining large spring-run Chinook salmon population in the OC ESU, but conclude recent surveys by the USFS and viability analyses by other researchers (Ratner and Lande, 1996) indicate the South Umpqua River run has been severely depleted.

The Petitioners also call attention to the Oregon Department of Fish and Wildlife's Coastal Multi-Species Conservation and Management Plan (CMP) (ODFW, 2014) and fish counts at Winchester Dam (ODFW, 2019) in support of their assertions that spring-run Chinook salmon populations are at risk of extinction. The CMP is the State of Oregon's plan for long-term conservation of naturally-produced salmon, steelhead, and trout on the Oregon Coast. The CMP identifies populations within the OC Chinook salmon ESU, and recognizes that while there are spring-run life history variants present in many of the OC Chinook salmon populations, only the North and South Umpqua Rivers support runs that are sufficiently isolated to be considered independent spring-run Chinook salmon populations (ODFW, 2014). Spring-run Chinook salmon in the North Umpqua River were found to be viable, although with a decreasing trend in abundance (1972–2010). South Umpqua spring-run Chinook salmon had a low extinction risk (<5%) and an increasing trend in abundance (1972–2010), but the population was considered non-viable because the current abundance was low and carrying capacity estimated to be less than necessary to maintain evolutionary potential to persist in future conditions (ODFW, 2014). The CMP assessments for OC Chinook salmon populations outside of the Umpqua Basin, which use the predominant fall-run Chinook salmon to evaluate population viability, found all populations were viable except for Elk River.

The Oregon Department of Fish and Wildlife maintains a fish counting station at Winchester Dam, located approximately 118 river miles from the Pacific Ocean, near the town of Roseburg on the North Umpqua River. Although the most recent (2011–2018) average Winchester Dam counts of spring-run Chinook salmon in the North Umpqua show an improvement over historic lows, these counts indicate a decreasing trend of natural-origin adult returns over the last eight years (ODFW, 2019). Fieldwork conducted in 2019 by an inter-agency team confirmed that abundance of spring-run Chinook salmon in the South Umpqua remains low after recent declines (Kruzic, 2019).

Based on information provided by the Petitioners, as well as information readily available in our files, we find that a reasonable person would conclude current demographic risks indicate that OC spring-run Chinook salmon populations may be at risk of extinction and thus warrant further investigation.

Analysis of ESA Section 4(a)(1) Factors

The Petitioners assert that all five ESA section 4(a)(1) factors contribute to the need to list the OC spring-run Chinook salmon as a threatened or endangered ESU. Specifically, the Petitioners assert that several factors are known to be contributing to the destruction and modification of OC spring-run Chinook salmon habitat and curtailment of its range, that existing regulatory mechanisms are inadequate to protect the spring-run component of the existing ESU, and that other natural and manmade factors are negatively affecting the continued existence of spring-run Chinook salmon on the Oregon Coast. Petitioners further assert that there is insufficient information to determine the extent to which disease, predation, and overutilization are affecting OC spring-run Chinook salmon, and that available evidence suggests there are existing negative impacts associated with all of these factors.

The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The Petitioners assert that OC spring-run Chinook salmon face numerous threats to suitable habitat, including impacts from historical and ongoing logging practices, agricultural practices, channelization, and urbanization. NMFS' most recent OC coho salmon status review (NMFS, 2016) evaluated the status of habitat threats over an area almost completely co-extensive with the range of OC spring-run Chinook salmon and concluded that degraded habitat conditions in this area continue to be of concern, particularly with regard to land use and development activities that affect the quality and accessibility of habitats and habitat-forming processes.

The Petitioners assert that habitat degradation due to logging and roads reduces stream shade, increases fine sediment levels, reduces levels of in-stream large wood, and alters watershed hydrology, which is supported by similar conclusions in NMFS' 2011 Final Rule listing OC coho salmon under the ESA (76 FR 35755), describing habitat that is co-extensive with the range of OC spring-run Chinook salmon. The Petitioners specifically assert that extensive logging can be harmful to spring-run Chinook salmon populations by causing depletion of summer and early fall streamflows needed for adult migration, holding, and spawning. Perry and Jones (2017) found that after an initial delay, base streamflows were substantially decreased for decades in logged areas as compared to pre-logging conditions. The Petitioners also assert that timber harvest and road construction harm OC spring-run Chinook salmon by altering stream flow, increasing sediment loading, contaminant concentrations, and temperatures, and decreasing dissolved oxygen. References to NMFS' 2011 OC Coho salmon listing (76 FR 35755) and U.S. Bureau of Land Management analysis of timber harvest in the Siletz River watershed (USBLM 1996) support their assertion.

The Petitioners further assert that dams, water diversions, and other barriers impact OC spring-run Chinook salmon by blocking suitable riverine habitat, impeding migration, and reducing water quality and quantity. NMFS' 2011 OC coho listing concluded that fish passage has been blocked in many streams by improperly designed culverts and is limited in estuaries by tide gates in the range of the OC coho salmon ESU. The Petitioners assert that large dams significantly reduce the amount of spawning and rearing habitat accessible to migrating Chinook salmon. However, the Oregon Native Fish Status Report (ODFW, 2005) concluded that essentially all potential OC spring-run Chinook salmon habitat remains accessible (although recognizing this assessment did not capture fine-scale blockages such those caused by culverts). The Petitioners also assert that dams (large and small), reservoirs, diversions, and other barriers can significantly delay upstream and downstream migration. The most recent NMFS status review of OC coho salmon (NMFS, 2016) recognizes that impeded fish passage and habitat access is a concern in many watersheds within their range, although this is not considered a primary limiting factor.

The Petitioners assert that dams and diversions also have the potential to decrease downstream flows, and that decreased summer and fall baseflows can result in increased water temperatures that are harmful to OC

spring-run Chinook salmon. As referenced in the petition and NMFS' most recent status review of OC Chinook salmon (Myers *et al.,* 1998) Bottom *et al.* (1985) cited low streamflows and high summer temperatures exacerbated by water withdrawals as problems for many streams (notably Tillamook Bay tributaries and Alsea, Siletz, Siuslaw, and Umpqua Rivers). The 2016 NMFS status review of OC coho salmon recognizes water quality and quantity as primary or secondary limiting factors for many coastal basins, and the Oregon CMP (ODFW 2014) lists low flows and high temperatures as primary limiting factors for OC spring-run Chinook salmon.

The Petitioners also highlight other ongoing anthropogenic disturbances that may cause habitat degradation, including gravel mining, pollutants, and stream channelization, which is consistent with findings in NMFS' 2011 Final Rule to list OC coho salmon and limiting factors (particularly reduced habitat complexity) identified in the 2016 NMFS OC coho salmon status review.

Based on information provided by the Petitioners, as well as information readily available in our files, we find that a reasonable person may conclude that habitat destruction and curtailment of their range pose a threat to the continued existence of OC spring-run Chinook salmon.

Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The Petitioners assert that harvest of OC spring-run Chinook salmon in commercial and recreational fisheries in the ocean may be a threat. However, due to the mixed stock nature of these fisheries, the Petitioners note that it is extremely difficult to identify harvest rates for and the level of impact on OC spring-run Chinook salmon. The 2018 stock assessment and fishery evaluation document for the Pacific Coast Salmon Fishery Management Plan (PFMC, 2018) reports harvest relative to management objectives set for OC Chinook salmon, which combine all run timing variants within northern and central Oregon Coast Chinook salmon stock complexes. Based on peak adult index spawner counts and estimates of adult escapement in 2018, the aggregate northern and central Oregon Coast escapement goal was likely met, and available exploitation rate data indicate OC Chinook salmon were not overfished (PFMC, 2018). However, the Petitioners assert that because these estimates do not distinguish between fall- and spring-run ocean harvest, the impacts of harvest could be greater on small populations of spring-run Chinook salmon within the ESU.

The Petitioners assert that catch card data from recreational fishermen and other unpublished freshwater harvest data indicate that in-river fisheries can harvest large portions (40–60%) of returning adults in Oregon Coast watersheds, but that the freshwater harvest rates of naturally produced spring-run Chinook salmon stocks remains unknown for most populations. PFMC (2018) reports total estuary and freshwater harvest of OC spring-run Chinook salmon ranged from 9,400 to 18,700 adults between 2010 and 2017, as compared to harvest of fall-run OC Chinook salmon which ranged from 44,100 to over 117,000 in the same timeframe. Population-specific harvest data are also available from ODFW for OC spring-run Chinook salmon in all of the major basins for which abundance and trends were discussed by the Petitioners (ODFW, 2019), although standard abundance estimates needed to calculate proportion of run harvested for spring-run Chinook salmon are not readily available for many tributaries outside of the Umpqua Basin.

Based on information provided by the Petitioners, as well as information readily available in our files, we find that there is inadequate information for a reasonable person to determine if overutilization poses a threat to the continued existence of OC spring-run Chinook salmon.

Disease or Predation

The Petitioners assert that the extent to which predation affects OC spring-run Chinook salmon is unknown, but predation by avian, marine mammal, and non-native fish have the potential to negatively impact abundance. The Petitioners note that introduced predators such as smallmouth bass are a threat to spring-run Chinook salmon, particularly in the South Umpqua River (ODFW, 2014). The Petitioners also assert that hatchery-reared fish and outplanted carcasses in Oregon Coast watersheds are likely a vector for spreading common diseases known to affect spring-run Chinook salmon on the Oregon Coast, including Furunculosis, Cold Water Diseases, Trichodinids, and bacterial kidney disease, because these diseases are known to be associated with artificially rearing fish in high densities.

Based on information provided by the Petitioners, as well as information readily available in our files, we find that there is inadequate information for a reasonable person to determine if disease or predation pose a threat to the continued existence of OC spring-run Chinook salmon.

Inadequacy of Existing Regulatory Mechanisms

The Petitioners assert that existing federal and state regulatory mechanisms are not sufficient to protect and recover OC spring-run Chinook salmon and their habitat. Although the petitioners found harvest to be a concern above, the focus of their discussion in this section is on regulatory mechanisms for habitat protection.

The Petitioners state that co-occurrence of OC spring-run Chinook salmon with other ESA-listed species does afford them some habitat benefits where their ranges overlap. The range of spring-run Chinook salmon overlaps substantially with listed OC coho salmon and therefore falls almost entirely within OC coho salmon designated critical habitat. However, the Petitioners assert that there is little evidence that improved habitat protections under the ESA since OC coho salmon were listed have resulted in actions sufficient to lead to recovery of either species.

The Petitioners assert that the U.S. Bureau of Land Management's resource management plans do not provide adequate protection for OC spring-run Chinook salmon. The Petitioners assert that allowable logging practices and aquatic conservation strategies under the resource management plans do not effectively protect OC spring-run Chinook salmon habitat. The Petitioners cite NMFS' comments in its review of the draft Environmental Impact Statement for the revision of the resource management plans (NMFS, 2015b) and later comments by conservation groups (NFS, 2015, American Rivers *et al.,* 2016) to support their claim that the resource management plans are not sufficient to adequately maintain and restore riparian and aquatic habitat necessary for conservation of anadromous fish.

The Petitioners also assert that the U.S. Forest Service's forest plans do not provide adequate protection for OC spring-run Chinook salmon. The Petitioners contend that the National Forest Management Act does not effectively limit long-term impacts to salmon habitat in Oregon Coast watersheds because it does not prohibit the U.S. Forest Service from carrying out management actions and projects that harm the species or habitat. Petitioners also contend that National Forest Plans have limited ability to protect OC Chinook salmon habitat because National Forest lands make up

a small portion of Oregon Coast watersheds relative to private lands.

The Petitioners further assert that the licensing process for non-federal hydropower projects does not necessarily provide adequate protections for OC spring-run Chinook salmon. The Federal Power Act mandates that when issuing licenses the Federal Energy Regulatory Commission include conditions to protect, mitigate and enhance fish and wildlife affected by hydropower projects. The petitioners assert that although the Commission must seek recommendations from the U.S. Fish and Wildlife Service and NMFS, the Commission can reject such measures if they determine there is not substantial evidence of need, and the timeline of most licenses (30–50 years) limits the opportunity for future improvements. Petitioners also assert that water quality protections under the Coastal Zone Management Act and Clean Water Act are not adequately protective of OC spring-run Chinook salmon habitat. The Petitioners cite to NOAA's and the Environmental Protection Agency's findings that Oregon's coastal nonpoint pollution control program is inadequate (NOAA and EPA, 2013), and NMFS' conclusion that Clean Water Act programs are not sufficient to protect Oregon Coast coho salmon habitat (NMFS, 2015).

The Petitioners additionally assert that State forest management is also not adequately protective of salmon habitat. The Petitioners cite NMFS' comments, from the 2011 Final Rule listing OC coho salmon under the ESA (76 FR 35755), that the Oregon Forest Practices Act may not adequately protect OC coho salmon habitat in support of their assertion that it is therefore unlikely to protect OC spring-run Chinook salmon habitat. The Petitioners further point to an evaluation by Talberth and Fernandez (2015), which found the Oregon Forest Practices Act does not provide stream buffers in all areas adequate to protect water quality and habitat for fish and wildlife and allows clearcutting in areas prone to landslides and with cold-water fish habitat, in support of their conclusion that the Act does not adequately limit harmful clearcutting practices. The Petitioners also assert that the 2010 Northwest Oregon Forest Management Plan and the Elliot Forest Management Plan do not contain sufficient measures to manage or protect OC spring-run Chinook salmon and, in support of this claim, reference NMFS' 2011 OC coho listing Final Rule which stated NMFS was unable to conclude these plans provide for OC coho salmon habitat capable of supporting viable populations during both good and poor marine conditions.

The Petitioners point out that there have been various state watershed and salmon management plans with goals for protecting and recovering salmon, including the 1991 Coastal Chinook Salmon Plan, 1997 Oregon Coastal Salmon Restoration Initiative, Siletz and Alsea River Basin Fish Management Plans, 2006 Oregon Conservation Strategy, and 2014 Coastal Multispecies Conservation and Management Plan. However, Petitioners assert that despite all of these plans, OC spring-run Chinook salmon populations have continued to decline or remain at depressed levels, and state land managers continue to allow logging and other activities and programs that may harm salmon and degrade their habitat, indicating these plans are inadequate to protect OC spring-run Chinook salmon.

Based on information provided by the Petitioners, as well as information readily available in our files, we find that a reasonable person would conclude that the inadequacy of existing regulatory mechanisms may pose a threat to the continued existence of OC spring-run Chinook salmon.

Other Natural or Manmade Factors Affecting Its Continued Existence

Hatcheries

The Petitioners assert that fish hatcheries have negative impacts on OC spring-run Chinook salmon by causing competition in the wild between hatchery and wild fish, supporting mixed-stock fisheries that have disproportionately harmed wild Chinook salmon, and promoting hybridization between spring and fall-run Chinook salmon. The Petitioners assert that hatchery programs within the OC Chinook salmon ESU are intended for fisheries augmentation, and there are no conservation or reintroduction hatchery programs at this time.

The Oregon CMP (ODFW, 2014) has recognized hatcheries as a primary limiting factor for OC Chinook salmon in the Elk River, a secondary risk factor for stocks in the Salmon River, and a potential limiting factor for other OC Chinook salmon populations in the ESU as well as OC spring-run Chinook salmon in the Umpqua Basin. The risk associated with hatcheries as a limiting factor for these populations is primarily due to the potential genetic impacts of hatchery fish interbreeding with natural-origin fish on spawning grounds, although not specifically interbreeding between fall- and spring-run Chinook salmon. The potential for competition between naturally-produced and hatchery-origin fish is also recognized. However, the specific effects of coastal hatchery programs have not been systematically assessed (ODFW 2014).

Climate Change and Ocean Conditions

The Petitioners also assert that ongoing threats of poor ocean conditions and climate change are likely to threaten the continued existence of OC spring-run Chinook salmon. As described in NMFS' status reviews (Stout *et al.,* 2011; NMFS, 2016) and ESA listing of OC coho salmon (76 FR 35755), variability in ocean conditions in the Pacific Northwest is a concern for the persistence of Oregon Coast salmonids because it is uncertain how populations will fare in periods of poor ocean survival when freshwater and estuarine habitats are degraded. The Petitioners also cite these NMFS sources to support their assertions that predicted effects of climate change are expected to negatively affect Oregon Coast salmonids through many different pathways, and cite the Oregon CMP (ODFW, 2014) in support of their statement that regional changes in climate and weather patterns will negatively impact Oregon coastal aquatic ecosystems and salmonids.

The Petitioners also assert that predicted climate change impacts on streamflows will be exacerbated by continued forest land use practices. The Petitioners cite studies demonstrating recent declines in Pacific Northwest streamflows and predicting increasing temperatures in downstream reaches (Luce and Holden, 2009; Isaak et al., 2018) in support of their assertion that decreases in streamflow caused by logging will exacerbate streamflow decreases and temperature increases likely to occur due to climate change.

Based on information provided by the Petitioners, as well as information readily available in our files, we find that a reasonable person may conclude that hatcheries and climate change may pose threats to the continued existence of OC spring-run Chinook salmon.

Petition Finding

After reviewing the information contained in the petition, as well as information readily available in our files, we conclude the petition presents substantial scientific information indicating that the petitioned action to delineate an OC spring-run Chinook salmon ESU and list it as threatened or endangered under the ESA may be warranted. Therefore, in accordance with section 4(b)(3)(A) of the ESA and NMFS' implementing regulations (50 CFR 424.14(h)(2)), we will commence a

status review to determine whether the spring-run populations of OC Chinook salmon constitute an ESU, and, if so, whether that OC spring-run Chinook salmon ESU is in danger of extinction throughout all or a significant portion of its range, or likely to become so within the foreseeable future throughout all or a significant portion of its range. After the conclusion of the status review, we will make a finding as to whether listing the OC spring-run Chinook salmon ESU as endangered or threatened is warranted as required by section 4(b)(3)(B) of the ESA.

Information Solicited

To ensure that our status review is informed by the best available scientific and commercial data, we are opening a 60-day public comment period to solicit information on spring-run Chinook salmon in the OC Chinook salmon ESU. We request information from the public, concerned governmental agencies, Native American tribes, the scientific community, agricultural and forestry groups, conservation groups, fishing groups, industry, or any other interested parties concerning the current and/or historical status of spring-run Chinook salmon in the OC Chinook salmon ESU. Specifically, we request information regarding: (1) Species abundance; (2) species productivity; (3) species distribution or population spatial structure; (4) patterns of phenotypic, genotypic, and life history diversity; (5) habitat conditions and associated limiting factors and threats; (6) ongoing or planned efforts to protect and restore the species and their habitats; (7) information on the adequacy of existing regulatory mechanisms, whether protections are being implemented, and whether they are proving effective in conserving the species; (8) data concerning the status and trends of identified limiting factors or threats; (9) information on targeted harvest (commercial and recreational) and bycatch of the species; (10) other new information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes; and (11) information concerning the impacts of environmental variability and climate change on survival, recruitment, distribution, and/or extinction risk.

We request that all information be accompanied by: (1) Supporting documentation such as maps, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, address, and any association, institution, or business that the person represents.

References

A complete list of all references cited herein is available upon request (See **FOR FURTHER INFORMATION CONTACT**).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 8, 2020.

Samuel D. Rauch III,

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

[FR Doc. 2020–07736 Filed 4–10–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Supporting Effective Educator Development Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2020 for the Supporting Effective Educator Development (SEED) program, Catalog of Federal Domestic Assistance (CFDA) number 84.423A. This notice relates to the approved information collection under OMB control number 1894–0006.

DATES:

Applications Available: April 13, 2020.

Deadline for Notice of Intent to Apply: Applicants are strongly encouraged, but not required, to submit a notice of intent to apply by May 13, 2020.

Deadline for Transmittal of Applications: June 12, 2020.

Pre-Application Webinars: The Office of Elementary and Secondary Education intends to post pre-recorded informational webinars designed to provide technical assistance to interested applicants for grants under the SEED program. These informational webinars will be available on the SEED web page April 20, 2020 at *oese.ed.gov/offices/office-of-discretionary-grants-support-services/effective-educator-development-programs/supporting-effective-educator-development-grant-program/applicant-info-and-eligibility/.*

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: Mia Howerton, U.S. Department of Education, 400 Maryland Avenue SW, Room 3C–152, Washington, DC 20202–5960. Telephone: (202) 205–0147. Email: *Mia.Howerton@ed.gov* or *SEED@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 SEED program, authorized under section 2242 of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 6672), provides funding to increase the number of highly effective educators by supporting the implementation of Evidence-Based [1] practices that prepare, develop, or enhance the skills of educators. These grants will allow eligible entities to develop, expand, and evaluate practices that can serve as models to be sustained and disseminated.

Background: The SEED program is designed to encourage the use of rigorous evidence in selecting and implementing interventions to support educators' development across the continuum of their careers (*e.g.* in preparation, recruitment, evaluation, professional learning, and leadership development). The evidence required for interventions aimed at teachers and other School Leaders,[1] respectively, are outlined in this competition's absolute priorities.

This competition also includes three areas of particular interest to the Administration. Competitive Preference Priority 1 is from the Secretary's Supplemental Priorities and aligns with the aims of the Federal Government's five-year strategic plan for science, technology, engineering, and mathematics (STEM) education entitled *Charting A Course for Success: America's Strategy for Stem Education* [2] published in December 2018. The Plan is responsive to the requirements of section 101 of the America COMPETES Reauthorization Act of 2010 and strengthens the Federal commitment to equity and diversity, to Evidence-Based

[1] Throughout this notice, all defined terms are denoted with capitals.

[2] The White House, National Science and Technology Council available at: *www.whitehouse.gov/wp-content/uploads/2018/12/STEM-Education-Strategic-Plan-2018.pdf.*

practices, and to engagement with the national STEM community through a nationwide collaboration with learners, families, educators, community leaders, and employers. Beyond guiding Federal agency actions over the next five years, it is intended to serve as a ''North Star'' for the STEM community as it charts a course for collective success. The Federal Government encourages STEM education stakeholders from across the Nation to support the goals of this plan through their own actions.

This strategic plan is based on a vision for a future where all Americans have lifelong access to high-quality STEM education and the United States is the global leader in STEM literacy, innovation, and employment. To achieve this vision, the plan highlights the following three goals:

- Build strong foundations for STEM literacy.
- Increase diversity, equity, and inclusion in STEM.
- Prepare the STEM workforce for the future.

Competitive Preference Priority 2 is also from the Secretary's Supplemental Priorities and provides explicit support for developing students' noncognitive skills (also sometimes termed non-academic skills or social emotional skills) and directly responds to the Managers' Statement accompanying the Further Consolidated Appropriations Act, 2020. This statement directs the Department to support professional development in the SEED program that incorporates social and emotional learning (SEL) practices into teaching and pathways into teaching that provide a strong foundation in child development and learning, including skills for implementing SEL strategies in the classroom.

Finally, Competitive Preference Priority 3 is aligned with the Department's mission to promote equity and excellence in education by giving competitive preference to projects providing services to educators serving students and schools located in distressed communities designated as Qualified Opportunity Zones (QOZs). Public law (P.L.) 115–97 authorized the designation of QOZs to promote economic development and job creation in distressed communities through preferential tax treatment for investors. A list of QOZs is available at *www.cdfifund.gov/Pages/Opportunity-Zones.aspx;* applicants may also determine whether a particular area overlaps with a QOZ using the National Center of Education Statistics' map located at *nces.ed.gov/programs/maped/LocaleLookup/.* To receive competitive preference points under this priority, applicants must provide the Department with the census tract number of the QOZ they plan to serve and describe the services they will provide.

In seeking an array of ideas and perspectives, the Department encourages national nonprofit organizations that have not previously received grants under this program to apply.

Priorities: This notice contains two absolute priorities and three competitive preference priorities. In accordance with 34 CFR 75.105(b)(2)(iv), Absolute Priority 1, which requires Moderate Evidence, and Absolute Priority 2, which requires Promising Evidence, are from section 2242 of the ESEA (20 U.S.C. 6672) and 34 CFR 75.226. Competitive Preference Priorities 1 and 2 are from the Secretary's Notice of Final Supplemental Priorities and Definitions, published in the **Federal Register** on March 2, 2018 (83 FR 9096) (Supplemental Priorities). Competitive Preference Priority 3 is from the notice of final priority, published in the **Federal Register** on November 27, 2019 (84 FR 65300) (Opportunity Zones NFP).

Under the SEED grant competition, each of the two absolute priorities constitutes its own funding category. The Secretary intends to award grants under each absolute priority for which applications of sufficient quality are submitted.

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 one of these absolute priorities. Applicants may address only one absolute priority and must clearly indicate the specific absolute priority their project addresses.

These priorities are:

Absolute Priority 1—Supporting Effective Teachers.

This priority is for projects that will implement activities that are supported by Moderate Evidence. Applicants under this priority may propose one or more of the following activities:

(1) Providing teachers from nontraditional preparation and certification routes or pathways to serve in traditionally underserved Local Educational Agencies (LEAs);

(2) Providing teachers with Evidence-Based Professional Development activities that address literacy, numeracy, remedial, or other needs of LEAs and the students the agencies serve; or

(3) Providing teachers with Evidence-Based professional enhancement activities, which may include activities that lead to an advanced credential.

Absolute Priority 2—Supporting Effective Principals or Other School Leaders.

This priority is for projects that will implement activities that are supported by Promising Evidence. Applicants under this priority may propose one or more of the following activities:

(1) Providing principals or other School Leaders from nontraditional preparation and certification routes or pathways to serve in traditionally underserved LEAs;

(2) Providing principals or other School Leaders with Evidence-Based Professional Development activities that address literacy, numeracy, remedial, or other needs of LEAs and the students the agencies serve; or

(3) Providing principals or other School Leaders with Evidence-Based professional enhancement activities, which may include activities that lead to an advanced credential.

Note on Meeting Evidence Requirements: An applicant must identify at least one but no more than two citations for the purposes of meeting the evidence requirements under either Absolute Priority 1 or Absolute Priority 2. An applicant should clearly identify these citations in the Evidence form. The Department will not review a citation that an applicant fails to clearly identify for review. Studies included for review may have been conducted by the applicant or by a third party.

In addition to including up to two citations, an applicant must provide a description of: (1) The positive outcome(s) and practice(s) the applicant intends to replicate under its SEED grant and (2) the relevance of the outcome(s) and practice(s) to the SEED program. For those applicants seeking to address Absolute Priority 1, to meet the definition of Moderate Evidence the applicant must describe how the population it proposes to serve overlaps with the population or settings in the citations.

An applicant must ensure that all evidence is available to the Department from publicly available sources and provide links or other guidance indicating where it is available. If the Department determines that an applicant has provided insufficient information, the applicant will not have an opportunity to provide additional information at a later time. However, if the What Works Clearinghouse (WWC) [3] determines that a study does not provide enough information on key

[3] *ies.ed.gov/ncee/wwc/.*

aspects of the study design, such as sample attrition or equivalence of intervention and comparison groups, the WWC will submit a query to the study author(s) to gather information for use in determining a study rating. Authors are asked to respond to queries within 10 business days. Should the author query remain incomplete within 14 days of the initial contact to the study author(s), the study will be deemed ineligible under the grant competition. After the grant competition closes, the WWC will continue to include responses to author queries and will make updates to study reviews as necessary, but no additional information will be taken into account after the competition closes and the initial timeline established for response to an author query passes.

Competitive Preference 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 competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional three points to an application, depending on how well the application meets Competitive Preference Priority 1, up to an additional two points to an application, depending on how well the application meets Competitive Preference Priority 2, and up to an additional five points, depending on how well the application that meets Competitive Preference Priority 3, for a maximum of 10 points to an application that meets all the requirements for Competitive Preference Priorities 1, 2, and 3.

If an applicant chooses to address one or more of the competitive preference priorities, the project narrative section of its application must identify its response to the competitive preference priorities it chooses to address.

These priorities are:

Competitive Preference Priority 1—Promoting Science, Technology, Engineering, or Math (STEM) Education, with a Particular Focus on Computer Science (up to 3 points).

Projects designed to improve student achievement or other educational outcomes in science, technology, engineering, math, or Computer Science. These projects must address increasing the number of educators adequately prepared to deliver rigorous instruction in STEM fields, including Computer Science, through recruitment, Evidence-Based professional development strategies for current STEM educators, or Evidence-Based retraining strategies for current educators seeking to transition from other subjects to STEM fields.

Competitive Priority 2—Fostering Knowledge and Promoting the Development of Skills That Prepare Students to Be Informed, Thoughtful, and Productive Individuals and Citizens (up to 2 points).

Projects that are designed to support projects likely to improve student academic performance and better prepare students for employment, responsible citizenship, and fulfilling lives, including by preparing children or students to:

(i) Develop positive personal relationships with others.

(ii) Develop determination, perseverance, and the ability to overcome obstacles.

(iii) Develop self-esteem through perseverance and earned success.

(iv) Develop problem-solving skills.

(v) Develop self-regulation in order to work toward long-term goals.

Competitive Preference Priority 3—Spurring Investment in Qualified Opportunity Zones (up to 5 points).

Under this priority, an applicant must demonstrate the following:

(a) The area in which the applicant proposes to provide services overlaps with a QOZ, as designated by the Secretary of the Treasury under section 1400Z–1 of the Internal Revenue Code (IRC). An applicant must—

(i) Provide the census tract number of the QOZ(s) in which it proposes to provide services; and

(ii) Describe how the applicant will provide services in the QOZ(s).

Definitions: The definition of ''Evidence-Based'' is from section 2242 of the ESEA (20 U.S.C. 6672) and section 8101 of the ESEA (20 U.S.C. 7801). The definitions of ''Institution of Higher Education,'' which incorporates by reference section 101(a) of the Higher Education Opportunity Act (20 U.S.C. 7801(a)), ''Local Educational Agency,'' ''Professional Development,'' ''School Leader,'' and ''State Educational Agency'' are from section 8101 of the ESEA (20 U.S.C. 7801). The definition of ''Computer Science'' is from the Supplemental Priorities. The definitions of ''Experimental Study,'' ''Moderate Evidence,'' ''Project Component,'' ''Promising Evidence,'' ''Quasi-Experimental Design Study,'' ''Relevant Outcome,'' and ''What Works Clearinghouse Handbook'' are from 34 CFR 77.1.

Computer Science means the study of computers and algorithmic processes and includes the study of computing principles and theories, computational thinking, computer hardware, software design, coding, analytics, and computer applications.

Computer Science often includes computer programming or coding as a tool to create software, including applications, games, websites, and tools to manage or manipulate data; or development and management of computer hardware and the other electronics related to sharing, securing, and using digital information.

In addition to coding, the expanding field of Computer Science emphasizes computational thinking and interdisciplinary problem-solving to equip students with the skills and abilities necessary to apply computation in our digital world.

Computer Science does not include using a computer for everyday activities, such as browsing the internet; use of tools like word processing, spreadsheets, or presentation software; or using computers in the study and exploration of unrelated subjects.

Evidence-based, when used with respect to a State, LEA, or intervention, means an activity, strategy, or intervention that demonstrates a statistically significant effect on improving student outcomes or other Relevant Outcomes based on—

(i) Strong evidence from at least one well-designed and well-implemented Experimental Study;

(ii) Moderate Evidence from at least one well designed and well-implemented Quasi-experimental Study; or

(iii) Promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias.

Experimental Study means a study that is designed to compare outcomes between two groups of individuals (such as students) that are otherwise equivalent except for their assignment to either a treatment group receiving a Project Component or a control group that does not. Randomized controlled trials, regression discontinuity design studies, and single-case design studies are the specific types of experimental studies that, depending on their design and implementation (*e.g.,* sample attrition in randomized controlled trials and regression discontinuity design studies), can meet What Works Clearinghouse (WWC) standards without reservations as described in the WWC Handbook:

(i) A randomized controlled trial employs random assignment of, for example, students, teachers, classrooms, or schools to receive the Project Component being evaluated (the treatment group) or not to receive the Project Component (the control group).

(ii) A regression discontinuity design study assigns the Project Component

being evaluated using a measured variable (*e.g.,* assigning students reading below a cutoff score to tutoring or developmental education classes) and controls for that variable in the analysis of outcomes.

(iii) A single-case design study uses observations of a single case (*e.g.,* a student eligible for a behavioral intervention) over time in the absence and presence of a controlled treatment manipulation to determine whether the outcome is systematically related to the treatment.

Institution of Higher Education (IHE) means an educational institution in any State that—

(a) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who meet the requirements of section 484(d) of the Higher Education Act of 1965, as amended (HEA);

(b) Is legally authorized within such State to provide a program of education beyond secondary education;

(c) Provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary;

(d) Is a public or other nonprofit institution; and

(e) Is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted pre-accreditation status by such an agency or association that has been recognized by the Secretary for the granting of pre-accreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

Local Educational Agency (LEA) means:

(a) In General. A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(b) Administrative Control and Direction. The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(c) Bureau of Indian Education Schools. The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the LEA receiving assistance under the ESEA with the smallest student population, except that the school shall not be subject to the jurisdiction of any SEA other than the Bureau of Indian Education.

(d) Educational Service Agencies. The term includes educational service agencies and consortia of those agencies.

(e) State Educational Agency. The term includes the SEA in a State in which the SEA is the sole educational agency for all public schools.

Moderate Evidence means that there is evidence of effectiveness of a key Project Component in improving a Relevant Outcome for a sample that overlaps with the populations or settings proposed to receive that component, based on a relevant finding from one of the following:

(i) A practice guide prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a ''strong evidence base'' or ''moderate evidence base'' for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC using version 2.1 or 3.0 of the WWC Handbook reporting a ''positive effect'' or ''potentially positive effect'' on a Relevant Outcome based on a ''medium to large'' extent of evidence, with no reporting of a ''negative effect'' or ''potentially negative effect'' on a Relevant Outcome; or

(iii) A single Experimental Study or Quasi-Experimental Design Study reviewed and reported by the WWC using version 2.1 or 3.0 of the WWC Handbook, or otherwise assessed by the Department using version 3.0 of the WWC Handbook, as appropriate, and that—

(A) Meets WWC standards with or without reservations;

(B) Includes at least one statistically significant and positive (*i.e.,* favorable) effect on a Relevant Outcome;

(C) Includes no overriding statistically significant and negative effects on Relevant Outcomes reported in the study or in a corresponding WWC intervention report prepared under version 2.1 or 3.0 of the WWC Handbook; and

(D) Is based on a sample from more than one site (*e.g.,* State, county, city, school district, or postsecondary campus) and includes at least 350 students or other individuals across sites. Multiple studies of the same Project Component that each meet requirements in paragraphs (iii)(A), (B), and (C) of this definition may together satisfy this requirement.

Professional Development means activities that—

(a) Are an integral part of school and LEA strategies for providing educators (including teachers, principals, other School Leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and

(b) Are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that—

(1) Improve and increase teachers'—

(i) Knowledge of the academic subjects the teachers teach;

(ii) Understanding of how students learn; and

(iii) Ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;

(2) Are an integral part of broad schoolwide and districtwide educational improvement plans;

(3) Allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;

(4) Improve classroom management skills;

(5) Support the recruitment, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;

(6) Advance teacher understanding of—

(i) Effective instructional strategies that are Evidence-Based; and

(ii) Strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;

(7) Are aligned with, and directly related to, academic goals of the school or LEA;

(8) Are developed with extensive participation of teachers, principals, other School Leaders, parents, representatives of Indian Tribes (as applicable), and administrators of schools to be served under the ESEA;

(9) Are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

(10) To the extent appropriate, provide training for teachers, principals, and other School Leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;

(11) As a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

(12) Are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;

(13) Include instruction in the use of data and assessments to inform and instruct classroom practice;

(14) Include instruction in ways that teachers, principals, other School Leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;

(15) Involve the forming of partnerships with IHEs, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the HEA (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other School Leader training programs that provide prospective teachers, novice teachers, principals, and other School Leaders with an opportunity to work under the guidance of experienced teachers, principals, other School Leaders, and faculty of such institutions;

(16) Create programs to enable paraprofessionals (assisting teachers employed by an LEA receiving assistance under part A of title I of the ESEA) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;

(17) Provide follow-up training to teachers who have participated in activities described in paragraph (b) of this definition that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

(18) Where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.

Project Component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.,* training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Promising Evidence means that there is evidence of the effectiveness of a key Project Component in improving a Relevant Outcome, based on a relevant finding from one of the following:

(i) A practice guide prepared by WWC reporting a ''strong evidence base'' or ''moderate evidence base'' for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC reporting a ''positive effect'' or ''potentially positive effect'' on a Relevant Outcome with no reporting of a ''negative effect'' or ''potentially negative effect'' on a Relevant Outcome; or

(iii) A single study assessed by the Department, as appropriate, that—

(A) Is an Experimental Study, a Quasi-Experimental Design Study, or a well-designed and well-implemented correlational study with statistical controls for selection bias (*e.g.,* a study using regression methods to account for differences between a treatment group and a comparison group); and

(B) Includes at least one statistically significant and positive (*i.e.,* favorable) effect on a Relevant Outcome.

Quasi-Experimental Design Study means a study using a design that attempts to approximate an Experimental Study by identifying a comparison group that is similar to the treatment group in important respects. This type of study, depending on design and implementation (*e.g.,* establishment of baseline equivalence of the groups being compared), can meet WWC standards with reservations, but cannot meet WWC standards without reservations, as described in the WWC Handbook.

Relevant Outcome means the student outcome(s) or other outcome(s) the key Project Component is designed to improve, consistent with the specific goals of the program.

School Leader means a principal, assistant principal, or other individual who is—

(a) An employee or officer of an elementary school or secondary school, LEA, or other entity operating an elementary school or secondary school; and

(b) Responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.

State Educational Agency (SEA) means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

What Works Clearinghouse Handbook (WWC Handbook) means the standards and procedures set forth in the WWC Procedures and Standards Handbook, Version 3.0 or Version 2.1 (incorporated by reference, see 34 CFR 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with reservations, or not meet WWC standards. WWC practice guides and intervention reports include findings from systematic reviews of evidence as described in the Handbook documentation.

Note: The What Works Clearinghouse Procedures and Standards Handbook (Version 3.0), as well as the more recent What Works Clearinghouse Handbooks released in October 2017 (Version 4.0) and January 2020 (Version 4.1), are available at *ies.ed.gov/ncee/wwc/Handbooks.*

Program Authority: Section 2242 of the ESEA (20 U.S.C. 6672).

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 Supplemental Priorities. (e) The Opportunity Zones NFP.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $22,000,000.

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.

Estimated Range of Awards: $1,000,000–$6,000,000 per project year.

Estimated Average Size of Awards: $3,500,000 per project year.

Estimated Number of Awards: 7–10.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:*

(a) An IHE that provides course materials or resources that are Evidence-Based in increasing academic achievement, graduation rates, or rates of postsecondary education matriculation;

(b) A national nonprofit organization with a demonstrated record of raising student academic achievement, graduation rates, and rates of higher education attendance, matriculation, or completion, or of effectiveness in providing preparation and Professional Development activities and programs for teachers, principals, or other School Leaders;

(c) The Bureau of Indian Education; or

(d) A partnership consisting of—

(i) One or more entities described in paragraph (a) or (b); and

(ii) A for-profit entity.

If you are a nonprofit organization, under 34 CFR 75.51, you may demonstrate your nonprofit status by providing: (1) Proof that the Internal Revenue Service currently recognizes the applicant as an organization to which contributions are tax deductible under section 501(c)(3) of the IRC, (2) a statement from a State taxing body or the State attorney general certifying that the organization is a nonprofit organization operating within the State and that no part of its net earnings may lawfully benefit any private shareholder or individual, (3) a certified copy of the applicant's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant, or (4) any item described above if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate.

2. (a) *Cost Sharing or Matching:* Under section 2242 of the ESEA, each grant recipient must provide, from non-Federal sources, at least 25 percent of the total cost for each year of the project activities. These funds may be provided in cash or through in-kind contributions. Grantees must include a budget showing their matching contributions on an annual basis relative to the annual budget amount of SEED grant funds and must provide evidence of their matching contributions for the first year of the grant in their grant applications.

Section 2242 of the ESEA also authorizes the Secretary to waive this matching requirement for any fiscal year if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out authorized SEED program activities. The Secretary does not, as a general matter, anticipate waiving this requirement for recipients of grants under this competition given the importance of matching funds to the long-term success of the project.

Note: The combination of Federal and non-Federal funds should equal the total cost of the project. Therefore, grantees that do not receive a waiver of the matching (cost share) requirements under ESEA section 2242(c)(3) are required to support no less than 25 percent of the total cost of the project with non-Federal funds. Grantees are strongly encouraged to take this requirement into account when requesting Federal funds and limit their request appropriately and should verify that their budgets reflect the costs allocations appropriately. (Cost share formula: total program cost (the amount of the Federal grant + the amount of the non-Federal match) × .75 = Federal award amount).

(b) *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Under section 2301 of the ESEA (20 U.S.C. 6691), funds made available under title II of the ESEA must be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title. Further, the prohibition against supplanting funds also means that grantees seeking to charge indirect costs to SEED funds will need to use their negotiated restricted indirect cost rates. See 34 CFR 75.563.

3. *Subgrantees:* (a) Under 34 CFR 75.708(b) and (c) a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: LEAs, IHEs, State and local governments, and other public or private entities suitable to carry out the activities proposed in the application.

(b) The grantee may award subgrants to entities it has identified in an approved application or under procedures established by the grantee.

4. *Certification:* Pursuant to section 2242 of the ESEA (20 U.S.C. 6672), applicants must include a certification that the services provided by an eligible entity under the grant to an LEA or to a school served by the LEA will not result in direct fees for participating students or parents.

5. *Renewal:* Under section 2242(b)(2) of the ESEA (20 U.S.C. 6672), the Secretary may renew a grant awarded under this section for one additional two-year period.

Note: During the course of the third year of the project period for grants awarded under this competition, details on the potential renewal process will be provided. In making decisions on whether to award a two-year renewal award, we will review performance data submitted in regularly required reporting, as well as potentially request narrative information to be assessed using selection criteria from 34 CFR 75.210.

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 SEED program, 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 on the Department's website, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you feel 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 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 40 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.

6. *Notice of Intent to Apply:* The Department will be able to develop a more efficient process for reviewing grant applications if it has a better understanding of the number of entities that intend to apply for funding under this competition. Therefore, we strongly encourage each potential applicant to notify us of their intent to submit an application for funding by sending an email to *SEED@ed.gov* with FY 2020 SEED Intent to Apply in the subject line, by May 13, 2020. Applicants that do not send a notice of intent to apply may still apply for funding.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210. An applicant may earn up to a total of 100 points based on the selection criteria. The maximum score for each criterion is indicated in parentheses. Each criterion also includes the factors that the reviewers will consider in determining how well an application meets the criterion. The criteria are as follows:

A. *Quality of the Project Design (35 points).* The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which the proposed project represents an exceptional approach to the priority or priorities established for the competition.

(2) 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.

(3) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(4) The potential and planning for the incorporation of project purposes, activities, or benefits into the ongoing work of the applicant beyond the end of the grant.

B. *Significance (20 points).* The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(1) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(2) The potential contribution of the proposed project to the development and advancement of theory, knowledge, and practices in the field of study.

(3) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies.

C. *Quality of the Management Plan (20 points).* The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(2) 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.

(3) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

D. *Quality of the Project Evaluation (25 points).* The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation will, if well implemented, produce evidence about the project's effectiveness that would meet the WWC standards with or without reservations as described in the WWC Handbook.

(2) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(3) 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.

Note: Applicants may wish to review technical assistance resources on evaluation relevant to the SEED program available at *https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/effective-educator-development-programs/supporting-effective-educator-development-grant-program/.*

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).

Additional factors we consider in selecting an application for an award are as follows:

(a) As required under section 2242 of the ESEA, the Secretary must ensure that, to the extent practicable, grants are distributed among eligible entities that will serve geographically diverse areas, including urban, suburban, and rural areas.

(b) As required under section 2242 of the ESEA, the Department must not award more than one grant under this program to an eligible entity during a grant competition. If an entity submits multiple applications for this competition, only the highest rated application will be considered for an award.

3. *Risk Assessment and Special 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 special 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. For additional information on the open licensing requirements please refer to 2 CFR 3474.20(c).

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:* The overall purpose of the SEED program is to increase the number of highly effective educators by supporting Evidence-Based projects that prepare or provide Professional Development or enhancement activities for teachers, principals, or other School Leaders. We have established the following performance measures for the SEED program: (a) The percentage of teacher, principal, or other School Leader participants who serve concentrations of high-need students; (b) the percentage of teacher and principal participants who serve concentrations of high-need students and are highly effective; (c) the percentage of teacher and principal participants who serve concentrations of high-need students, are highly effective, and serve for at least two years; (d) the cost per such participant; and (e) the number of grantees with evaluations that meet the WWC standards with reservations. Grantees will report annually on each measure.

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.

Frank T. Brogan,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2020–07704 Filed 4–10–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0057]

Agency Information Collection Activities; Comment Request; NCEE System Clearance for Design and Field Studies 2020–2023

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 new information collection.

DATES: Interested persons are invited to submit comments on or before June 12, 2020.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2020–SCC–0057. 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–208B, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Michael Fong, 202–245–8407 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: NCEE System Clearance for Design and Field Studies 2020–2023.

OMB Control Number: 1850–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 4,000.

Total Estimated Number of Annual Burden Hours: 2,000.

Abstract: This is a request for a 3-year generic clearance for the National Center for Education Evaluation (NCEE) that will allow it to collect preliminary or exploratory information to aid in study design. The procedures expected to be used include but are not limited to exploratory surveys and interviews, focus groups, cognitive laboratory activities, pilot testing versions of an intervention or data collection approach, small-scale experiments that explore questionnaire design, incentives, or mode, and usability testing.

Dated: April 8, 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. 2020–07676 Filed 4–10–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection Extension

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy's (DOE, Office of Energy Efficiency and Renewable Energy (EERE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years with the Office of Management and Budget (OMB), the EERE Environmental Questionnaire (OMB No. 1910–5175).

DATES: Comments regarding this proposed information collection extension must be received on or before June 12, 2020. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments may be sent to Lisa Jorgensen at: U.S. Department of Energy, 15013 Denver West Parkway, Golden, CO 80401, or by email at *EEREEQComments@EE.DOE.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the EERE Environmental Questionnaire should be directed to Lisa Jorgensen at *EEREEQComments@EE.DOE.gov* or at (720) 356–1569. The EERE Environmental Questionnaire also is available for viewing in the Golden Field Office Public Reading Room at: *www.energy.gov/node/2299401.* If you have difficulty accessing this document, please contact Casey Strickland at (720) 356–1575.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DOE, including whether the information shall have practical utility; (b) the accuracy of DOE's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

This information collection request contains: (1) *OMB No.:* 1910–5175; (2) *Information Collection Request Title:* Office of Energy Efficiency and Renewable Energy (EERE) Environmental Questionnaire; (3) *Type of Request:* Extension, with changes; (4) *Purpose:* The DOE's EERE provides federal funding through federal assistance programs to businesses, industries, universities, and other groups for renewable energy and energy efficiency research and development and demonstration projects. The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*) requires that an environmental analysis be completed for all major federal actions significantly affecting the environment including projects entirely or partly financed by federal agencies. To effectively perform environmental analyses for these projects, the DOE's EERE needs to collect project-specific information from federal financial assistance awardees. DOE's EERE has developed its Environmental Questionnaire to obtain the required information and ensure that its decision-making processes are consistent with NEPA as it relates to renewable energy and energy efficiency research and development and demonstration projects. Minor changes have been made to the Environmental Questionnaire that help to clarify certain questions, but do not change the meaning of the questions being asked. The average hours per response and annual estimated number of burden hours have increased due to the increase in complexity of the projects being selected by EERE in order to meet mission needs. The average hours per response have increased from one hour to one and one half hours. The annual estimated number of burden hours increased from 300 to 450. (5) *Annual Estimated Number of Total Responses:* 300; (6) *Average Hours per Response:* 1.5; and (7) *Annual Estimated Number of Burden Hours:* 450; (8) There is no cost associated with reporting and recordkeeping.

Statutory Authority: National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*).

Signed in Golden, CO on March 31, 2020.

Derek Passarelli,

Director, Golden Field Office, Office of Energy Efficiency and Renewable Energy.

[FR Doc. 2020–07720 Filed 4–10–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2221–039]

Empire District Electric Company; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed an application submitted by Empire District Electric Company (licensee) to allow the City of Branson, Missouri, the use of Ozark Beach Hydroelectric Project No. 2221, to use project lands and waters for municipal water supply. The Ozark Beach Hydroelectric Project is located on the White River in Taney County, Missouri and partially utilizes federal lands administered by the U.S. Army Corps of Engineers (Corps).

An Environmental Assessment (EA) has been prepared as part of Commission staff's review of the proposal. In the application, the licensee proposes to grant the City of Branson, Missouri permission to continue operating two existing raw water intake facilities (facilities) on Lake Taneycomo, the project's storage reservoir; and, increase the withdrawal from one of the two facilities by 5.0 million gallons per day (mgd). Approval of the licensee's request would authorize the total combined withdrawal of 11.2 mgd from the reservoir. This EA contains Commission staff's analysis of the potential environmental impacts of the continued operation of the existing facilities and the proposed increase in water withdrawal volume, and concludes that approval of the proposal would not constitute a major federal action significantly affecting the quality of the human environment.

The EA may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number (P–2221) in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3372 or for TTY, (202) 502–8659.

For further information, contact Robert Ballantine at (202) 502–6289 or by email at *robert.ballantine@ferc.gov.*

Dated: April 7, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–07700 Filed 4–10–20; 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 electric rate filings:

Docket Numbers: ER19–1651–001.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Compliance Filing re Rev to OATT for Regulation Market Settlement Agreement to be effective 7/1/2020.
Filed Date: 4/7/20.
Accession Number: 20200407–5109.
Comments Due: 5 p.m. ET 4/28/20.

Docket Numbers: ER20–741–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: Report Filing: 2020–04–07_SA 3224 Ameren Illinois-Bishop Hill FSA Refund Report to be effective N/A.
Filed Date: 4/7/20.
Accession Number: 20200407–5139.
Comments Due: 5 p.m. ET 4/28/20.

Docket Numbers: ER20–1504–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Service Agreement No. 724 between Tri-State and Buffalo Bluff to be effective 3/9/2020.
Filed Date: 4/7/20.
Accession Number: 20200407–5052.
Comments Due: 5 p.m. ET 4/28/20.

Docket Numbers: ER20–1505–000.
Applicants: Basin Electric Power Cooperative.
Description: Baseline eTariff Filing: Application of Basin Electric For Limited Market-Based Rate Authority to be effective 4/7/2020.
Filed Date: 4/7/20.

Accession Number: 20200407–5082.
Comments Due: 5 p.m. ET 4/28/20.

Docket Numbers: ER20–1506–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: GIA and Service Agmt with Kaweah River Power Authority, Terminus Dam to be effective 3/16/2020.
Filed Date: 4/7/20.
Accession Number: 20200407–5101.
Comments Due: 5 p.m. ET 4/28/20.

Docket Numbers: ER20–1507–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: § 205(d) Rate Filing: Filing of Executed NOA between Tri-State and DMEA to be effective 6/8/2020.
Filed Date: 4/7/20.
Accession Number: 20200407–5128.
Comments Due: 5 p.m. ET 4/28/20.

Docket Numbers: ER20–1508–000.
Applicants: Little Bear Solar 1, LLC.
Description: Baseline eTariff Filing: Certificate of Concurrence Shared Gen-Tie Facilities Common Ownership Agreement to be effective 4/8/2020.
Filed Date: 4/7/20.
Accession Number: 20200407–5180.
Comments Due: 5 p.m. ET 4/28/20.

Docket Numbers: ER20–1509–000.
Applicants: Little Bear Solar 3, LLC.
Description: Baseline eTariff Filing: Certificate of Concurrence Shared Gen-Tie Facilities Common Ownership Agreement to be effective 4/8/2020.
Filed Date: 4/7/20.
Accession Number: 20200407–5182.
Comments Due: 5 p.m. ET 4/28/20.

Docket Numbers: ER20–1510–000.
Applicants: Little Bear Solar 4, LLC.
Description: Baseline eTariff Filing: Certificate of Concurrence Shared Gen-Tie Facilities Common Ownership Agreement to be effective 4/8/2020.
Filed Date: 4/7/20.
Accession Number: 20200407–5186.
Comments Due: 5 p.m. ET 4/28/20.

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: April 7, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–07692 Filed 4–10–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD10–12–011]

Increasing Market and Planning Efficiency and Enhancing Resilience Through Improved Software; Supplemental Notice of Technical Conference

As announced in the Notice of Technical Conference issued on February 14, 2020, the Federal Energy Regulatory Commission staff will convene a technical conference on June 23, 24, and 25, 2020 to discuss opportunities for increasing real-time and day-ahead market efficiency and enhancing the resilience of the bulk power system through improved software. The conference will no longer take place at Commission headquarters as stated in the February 14 Notice but instead will take place virtually via WebEx, with remote participation from both presenters and attendees. Further details on remote attendance and participation will be released prior to the conference.

Attendees must still register through the Commission's website by 5:00 p.m. EST on June 12, 2020.[1] WebEx connections may not be available to those who do not register.

The deadline for speaker nomination submissions has been extended from April 17 to May 1, 2020. Speaker nominations must still be submitted through the Commission's website.[2]

Staff anticipates facilitating participant questions and discussions of materials presented through WebEx. Details will be released prior to the conference on how such discussions will take place.

There is an ''eSubscription'' link on the Commission's website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission will accept comments following the conference, with a deadline of July 31, 2020. The technical conference will not be transcribed.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY); or send a fax to 202–208–2106 with the required accommodations.

For further information about this conference, please contact: Sarah McKinley (Logistical Information) Office of External Affairs (202) 502–8004 *Sarah.McKinley@ferc.gov*.

Alexander Smith (Technical Information) Office of Energy Policy and Innovation (202) 502–6601 *Alexander.Smith@ferc.gov*.

Dated: April 7, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–07690 Filed 4–10–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR20–10–000]

Valero MKS Logistics, LLC; Notice of Request for Temporary Waiver

Take notice that on March 31, 2020, Valero MKS Logistics, LLC filed a petition seeking a temporary waiver of the tariff filing and reporting requirements of sections 6 and 20 of the Interstate Commerce Act and parts 341 and 357 of the Commission's regulations, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion

[1] The attendee registration form is located at *https://www.ferc.gov/whats-new/registration/real-market-6-23-20-form.asp.*

[2] The speaker nomination form is located at *https://www.ferc.gov/whats-new/registration/real-market-6-23-20-speaker-form.asp.*

to intervene or protest must serve a copy of that document on the Petitioner.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern time on May 1, 2020.

Dated: April 7, 2020..

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–07702 Filed 4–10–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2736–042]

Idaho Power Company; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 2736–042.

c. *Date Filed:* February 27, 2020.

d. *Submitted By:* Idaho Power Company (Idaho Power).

e. *Name of Project:* American Falls Hydroelectric Project.

f. *Location:* On the Snake River, in Power County, Idaho, near the City of American Falls, Idaho. The project occupies 10.31 acres of United States lands administered by the U.S. Bureau of Reclamation and Bureau of Land Management.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* David Zayas, Idaho Power Company, P.O. Box 70 (83707), 1221 West Idaho Street, Boise, ID 83702; (208) 388–2915; email—dzayas@idahopower.com.

i. *FERC Contact:* Dianne Rodman at (202) 502–6077; or email at *dianne.rodman@ferc.gov.*

j. Idaho Power filed a request to use the Traditional Licensing Process on February 27, 2020. Idaho Power provided public notice of its request on February 26, 2020. In a letter dated April 7, 2020, the Director of the Division of Hydropower Licensing approved Idaho Power's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service. We are also initiating consultation with the Idaho State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Idaho Power as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Idaho Power filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD may be viewed and/or printed on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2736. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by February 28, 2023.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: April 7, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–07701 Filed 4–10–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD20–9–000]

Hybrid Resources; Notice of Technical Conference

Take notice that Federal Energy Regulatory Commission (Commission) staff will convene a technical conference to discuss technical and market issues prompted by growing interest in projects that are comprised of more than one resource type at the same plant location (hybrid resources). For purposes of this inquiry, we will be focusing on a generation resource and an electric storage resource paired together as a hybrid resource. Commissioners may participate in the technical conference.

The technical conference will be held on Thursday, July 23, 2020 from approximately 9:00 a.m. to 5:00 p.m. Eastern Time. The technical conference will be held either in-person at the Commission's headquarters at 888 First Street NE, Washington, DC 20426 in the Commission Meeting Room (with a WebEx option available) or solely via teleconference (over WebEx). A supplemental notice will be issued prior to the technical conference with further details regarding the agenda and organization, whether it will be held in-person or via teleconference, and if there are changes to the date or time of the technical conference.

Individuals interested in participating as panelists should submit a self-nomination form by 5:00 p.m. on

Friday, May 15, 2020 at: *https://www.ferc.gov/whats-new/registration/07-23-20-speaker-form.asp.* Individuals who are interested in registering for the conference can do so here: *https://www.ferc.gov/whats-new/registration/07-23-20-form.asp.*

For more information about this technical conference, please contact Kaitlin Johnson, 202–502–8542, *kaitlin.johnson@ferc.gov* for technical questions or Sarah McKinley, 202–502–8368, *sarah.mckinley@ferc.gov* for logistical issues.

Dated: April 7, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–07689 Filed 4–10–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD20–7–000]

Reliability Technical Conference; Notice Postponing Technical Conference

Take notice that the technical conference scheduled for June 25, 2020, from 9:00 a.m. to 5:00 p.m. at the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, has been postponed due to health and safety concerns related to the Novel Coronavirus Disease (COVID–19) and will be rescheduled for a later date.

For more information about this technical conference, please contact Lodie White (202) 502–8453, *Lodie.W.hite@ferc.gov.*

Dated: April 2, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–07713 Filed 4–10–20; 8:45 am]

BILLING CODE 6717–01–P

EXPORT-IMPORT BANK

Intent To Conduct a Detailed Economic Impact Analysis

AGENCY: Export-Import Bank.

ACTION: Notice.

SUMMARY: Pursuant to the Charter of the Export-Import Bank of the United States, this notice is to inform the public that the Export-Import Bank of the United States has received an application for a $76.6 million comprehensive loan guarantee to support the export of approximately $70 million worth of aluminum bottle manufacturing equipment to Slovenia. The U.S. exports will enable the Slovenian company to produce approximately 1.2 billion aluminum bottles per year. All new production will be sold within Europe.

DATES: Comments are due 14 days from publication in the **Federal Register**.

ADDRESSES: Interested parties may submit comments on this transaction electronically on *www.regulations.gov,* or by email to *economic.impact@exim.gov.*

Scott Condren,

Policy Analysis.

[FR Doc. 2020–07636 Filed 4–10–20; 8:45 am]

BILLING CODE 6690–01–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act Meeting

AGENCY: Farm Credit Administration.

ACTION: Notice; regular meeting.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act of the forthcoming regular meeting of the Farm Credit Administration Board.

DATES: The regular meeting of the Board will beheld April 16, 2020, from 9:00 a.m. until such time as the Board may conclude its business. *Note: Because of the COVID–19 pandemic, we will conduct the board meeting virtually. If you would like to observe the open portion of the virtual meeting, see instructions below for board meeting visitors.*

Attendance: To observe the open portion of the virtual meeting, go to *FCA.gov*, select ''Newsroom,'' then ''Events.'' There you will find a description of the meeting and a link to ''Instructions for board meeting visitors.'' See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

FOR FURTHER INFORMATION CONTACT: Dale Aultman, Secretary to the Farm Credit Administration Board (703) 883–4009. TTY is (703) 883–4056.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public, and parts will be closed. If you wish to observe the open portion, follow the instructions above in the ''Attendance'' section at least 24 hours before the meeting. If you need assistance for accessibility reasons if you have any questions, contact Dale Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are as follows:

Open Session

A. Approval of Minutes

- March 12, 2020

B. Reports

- Quarterly Report on Economic Conditions and FCA Condition and Performance

Closed Session

- Office of Examination Quarterly Report [1]

Dated: April 9, 2020.

Dale Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2020–07824 Filed 4–9–20; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201292–002.

Agreement Name: Puerto Nuevo Terminals LLC Cooperative Working Agreement.

Parties: Luis A. Ayala Colon Sucrs., Inc.; Puerto Rico Terminals, LLC; and Puerto Nuevo Terminals.

Filing Party: Matthew Thomas; Blank Rome LLP.

Synopsis: The amendment confirms that the parties have not agreed to, and are not authorized to, effect a merger or acquisition. The amendment also provides that carrier customer contracts will not be transferred to PNT and adds a termination date of June 30, 2028. The previous amendment to this Agreement, 201292–001, was withdrawn on April 3, 2020.

Proposed Effective Date: 5/18/2020.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/21354.

[1] Closed session is exempt pursuant to 5 U.S.C. Section 552b(c)(8) and (9).

Dated: April 7, 2020.

Rachel Dickon,

Secretary.

[FR Doc. 2020–07650 Filed 4–10–20; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Ongoing Intermittent Survey of Households (FR 3016; OMB No. 7100–0150).

DATES: Comments must be submitted on or before June 12, 2020.

ADDRESSES: You may submit comments, identified by FR 3016, by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 146, 1709 New York Avenue NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, if approved. These documents will also be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Report title: Ongoing Intermittent Survey of Households.

Agency form number: FR 3016.

OMB control number: 7100–0150.

Frequency: Monthly.

Respondents: Individuals and households.

Estimated number of respondents: 500.

Estimated average hours per response: 1.6 minutes.

Estimated annual burden hours: 160.

General description of report: The Board uses the Ongoing Intermittent Survey of Households survey to study consumer financial decisions, attitudes, and payment behavior. The Board has a contract with the University of Michigan's Survey Research Center (SRC) to include survey questions on behalf of the Board in an addendum to the SRC's regular monthly Survey of Consumer Attitudes and Expectations. The SRC conducts the survey by telephone with a sample of 500 households and includes questions of special interest to the Board.

Legal authorization and confidentiality: The FR 3016 is authorized by sections 2A and 12A of the Federal Reserve Act (FRA). Section 2A of the FRA requires that the Board and the Federal Open Market Committee (FOMC) ''maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of the maximum employment, stable prices, and moderate long-term interest rates.'' [1] Under section 12A of the FRA, the FOMC is required to implement regulations relating to the open market operations conducted by Federal Reserve Banks ''with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country.'' [2] The information collection under the FR 3016 is used to fulfill

[1] 12 U.S.C. 225a.

[2] 12 U.S.C. 263(c).

these obligations. Survey submissions under the FR 3016 are voluntary.

Location information associated with individual responses to the FR 3016 may be kept confidential under exemption 6 of the Freedom of Information Act (''FOIA''),[3] which protects information ''the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.'' Individual responses to other data fields from the FR 3016 may be kept confidential on a case-by-case basis. The Board will consider whether information collected through these surveys may be kept confidential under FOIA exemption 6, or any other applicable FOIA exemption.

Board of Governors of the Federal Reserve System, April 8, 2020.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2020–07740 Filed 4–10–20; 8:45 am]

BILLING CODE 6210–01–P

[3] 5 U.S.C. 552(b)(6).

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Census of Finance Companies and Survey of Finance Companies (FR 3033p and FR 3033s; OMB No. 7100–0277). The revisions are effective immediately.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Office of Management and Budget (OMB) Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

A copy of the Paperwork Reduction Act (PRA) OMB submission, including the reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files. These documents also are available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the PRA to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are placed into OMB's public docket files.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Information Collections

Report title: Census of Finance Companies.

Agency form number: FR 3033p.

OMB control number: 7100–0277.

Effective Date: The revisions are effective immediately.

Frequency: Quinquennially.

Respondents: Finance companies.

Estimated number of respondents: 12,800.

Estimated average hours per response: 0.33.

Estimated annual burden hours: 4,224.

General description of report: The FR 3033p is a census survey designed to identify the universe of finance companies eligible for potential inclusion in the FR 3033s and to enable the stratification of the sample for more statistically efficient estimation. The FR 3033p currently comprises 11 questions to assess the company's asset size, level of loan and lease activity, company structure, and licensing authority.

Report title: Survey of Finance Companies.

Agency form number: FR 3033s.

OMB control number: 7100–0277.

Effective Date: The revisions are effective immediately.

Frequency: Quinquennially.

Respondents: Finance companies that responded to the FR 3033p.

Estimated number of respondents: 1,200.

Estimated average hours per response: 1.5.

Estimated annual burden hours: 1,800.

General description of report: From the universe of finance companies identified by the FR 3033p, a sample of finance companies will be invited to fill out FR 3033s. From these finance companies, the FR 3033s survey collects balance sheet data on major categories of consumer and business credit receivables and major liabilities. In addition, the survey may be used to gather information on topics that are pertinent to increasing the Federal Reserve's understanding of the finance companies.

Legal authorization and confidentiality: The FR 3033 is authorized pursuant to sections 2A and 12A of the Federal Reserve Act (''FRA''). Section 2A of the FRA requires that the Board and the Federal Open Market Committee (''FOMC'') ''maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates'' (12 U.S.C. 225a). Under section 12A of the FRA, the FOMC is required to implement regulations relating to the open market operations conducted by Federal Reserve Banks ''with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country'' (12 U.S.C. 263). Information collected from the FR 3033 is used to fulfill these obligations.

The information collected pursuant to the FR 3033 may be treated as confidential pursuant to exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4), which protects ''trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.''

Current actions: On January 16, 2020, the Board published a notice in the **Federal Register** (85 FR 2740) requesting public comment for 60 days on the extension, with revision, of the Census of Finance Companies and Survey of Finance Companies. The Board proposed to revise the FR 3033p to improve the accuracy of identifying finance companies, improve response rates, and simplify the form overall; the FR 3033s is not being revised in this submission. The comment period for this notice expired on March 16, 2020. The Board did not receive any comments. The revisions will be implemented as proposed.

Board of Governors of the Federal Reserve System, April 8, 2020.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2020–07739 Filed 4–10–20; 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 May 12, 2020.

A. Federal Reserve Bank of San Francisco (Sebastian Astrada, Director, Applications) 101 Market Street, San Francisco, California 94105–1579:

1. *GUVJEC Investment Corporation, Baltimore, Maryland;* to become a bank holding company by acquiring Farmington Bancorp, Bothell, Washington, and thereby indirectly acquire Farmington State Bank, Farmington, Washington.

Board of Governors of the Federal Reserve System, April 7, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–07639 Filed 4–10–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project ''*Evaluating the Implementation of Products by AHRQ's Learning Health Systems to Inform and Encourage Use of AHRQ Evidence Reports.*'' This proposed information collection was previously published in the **Federal Register** on February 4, 2020 and allowed 60 days for public comment. AHRQ did not receive comments from members of the public. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by 30 days after date of publication of this notice.

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: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Evaluating the Implementation of Products by Learning Health Systems To Inform and Encourage Use of AHRQ Evidence Reports

AHRQ's Evidence-based Practice Center (EPC) Program has 20 years of experience in synthesizing research to inform evidence-based health care practice, delivery, policies, and research. The AHRQ EPC program is committed to partnering with organizations to make sure its evidence reports can be used in practice. Historically, most of its evidence reports have been used by clinical professional organizations to support the development of clinical practice guidelines or Federal agencies to inform their program planning and research priorities. To improve the uptake and relevance of the AHRQ EPC's evidence reports, specifically for health systems, AHRQ has contracted with the American Institutes for Research (AIR) to obtain feedback from learning health systems (LHSs) to assist the AHRQ EPC program in developing and disseminating evidence reports that can be used to improve the quality and effectiveness of patient care.

Even if an EPC evidence report topic addresses LHS-specific evidence needs, the density of the information in an evidence report may preclude its easy review by busy LHS leaders and decisionmakers. AHRQ understands that to facilitate use by LHSs, complex evidence reports must be translated into a format that promotes LHS evidence-based decision making and can be contextualized within each LHS' own system-generated evidence. Such translational products, for the purposes of this notice, are referred to simply as ''products.''

The purpose of this information collection is to support a process evaluation of use and implementation of two such products into LHS decisionmaking processes, workflows, and clinical care. The evaluation has the following goals:

1. Document how LHSs prioritize filling evidence gaps, make decisions about using evidence, and implement tools to support and promote evidence use in clinical care.

2. Assess the contextual factors that may influence implementation success; associated implementation resources, barriers and facilitators; and satisfaction of LHS leaders and clinical staff.

3. Provide the AHRQ EPC program with necessary insights about the perspectives, needs, and preferences of LHS leaders and clinical staff as related to decisions and implementation of products into practice.

This study is being conducted by AHRQ through its contractor, the American Institutes for Research (AIR), pursuant to AHRQ's statutory authority to conduct and support research on, and disseminate information on, health care and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services. 42 U.S.C. 299a(a)(1).

Method of Collection

To achieve the goals of this project, the following data collection activities will be implemented:

1. Key informant interviews with health system leaders, clinicians and staff; and

2. compilation and coding of notes from ''implementation support'' meetings (''check-ins'') between an implementation facilitator and site champions who are implementing the products.

Brief Background on the Products To Be Implemented by LHSs in This Study

AHRQ is funding the development of two products that are specifically intended to make the findings from EPC evidence reports more accessible and usable by health systems. These are the products that will be offered to LHSs for potential implementation during this project. They include a ''triage tool'' and a ''data visualization tool'' that have been designed to support LHS use of AHRQ evidence reports. The LHS *triage tool* presents high-level results of evidence reports that enable leaders within LHSs to quickly understand the relevance of the reports to their organization, share high-level information with key stakeholders (*e.g.,* healthcare executives), and link to more granular data from the report. The *data visualization tool* presents data from the evidence review and individual studies in a dynamic, interactive website. The evaluation will capture the anticipated variation in how the LHS might use the products and the unique experience of LHSs.

Key Informant Interviews

There will be two rounds of key informant interviews: (1) In-person preliminary interviews will be conducted early in the implementation period (months 1–3) with LHS leaders and clinicians and will focus on health systems' rationale for selecting each product and early experiences with its roll-out into practice; (2) remote follow-up interviews will be conducted via telephone later in the implementation period (months 10–11) with two sets of stakeholders: (a) LHS leaders and (b) clinicians/staff (hereafter, ''clinical staff'') actively implementing the product. These follow-up interviews will focus on health systems' experiences implementing their selected product(s). All interviews (preliminary and follow-up) will be 60-minutes in duration, recorded with permission of the key informants, and transcribed for analysis. Up to 88 total interviews will be conducted across the two rounds of key informant interviews. Assuming the same LHS leaders participate in the preliminary and follow-up interviews, the key informant interviews will involve 4–5 LHS leaders and clinical staff from each of the eleven LHSs implementing the study. Additional detail about the information collection components is provided below.

1. *In-person preliminary interviews.* The preliminary interviews will include 2–3 LHS leaders/decisionmakers at each of eleven implementation sites for a maximum of 33 interviews in the first round of data collection. The interviews will be conducted during implementation site visits that are occurring early in the project to support the health systems' testing and/or roll out of the products into clinical workflows. Specific topics explored in the preliminary interviews include LHSs' decision to participate in implementation, decision considerations for the selected product, experiences leading the implementation, and early experiences and perceptions of the selected product(s). To limit respondent burden, we will use the implementation site visits as an opportunity for conducting the preliminary interviews, thereby limiting the need to schedule additional time with respondents for a phone interview. If a respondent has limited availability during the site visit, however, we may need to do the preliminary interview remotely or substitute the respondent with another qualified staff member who is available during the implementation site visit.

2. *Remote follow-up interviews.* The follow-up interviews will include the 2–3 LHS leaders/decisionmakers from the preliminary interviews (maximim n = 33), along with 2 additional clinical staff (n = 22) at each of eleven implementation sites for a maximum of 55 follow-up interviews. Specific topics explored in the follow-up interviews include LHS leaders' and clinical staff's experiences with each product as well as their perceptions of the relative advantage, acceptability/compatibility, appropriateness, and feasibility of using the product; implementation fidelity (*i.e.,* if the implementation went as planned), reach, barriers and facilitators, and associated costs; any outcomes of implementing the product (*e.g.,* achieved any intended systemic changes); and likely sustainability of continuing to use the product in practice.

The two sets of in-depth qualitative interviews will allow for a nuanced exploration of both what LHSs value about the products and what it takes to successfully implement such tools into practice. The research on implementation and uptake of products to promote use of evidence in LHS settings is sparse, thus it is important to use a data collection strategy for the evaluation that will yield rich information about the experience of health systems, LHS decisionmakers, and the staff implementing the tools into practice. A quantitative survey would not yield the depth of individual feedback that is needed to capture the experience of implementing these tools and the unique contexts of the health systems. Thus, interviews are the preferred method of systematically collecting this data.

Implementation Support Meetings/ ''Check-Ins''

In addition to key informant interviews, which will be conducted only at the beginning and end of implementation, AHRQ will gather information throughout the implementation period by using monthly implementation support meetings between implementation facilitators and site champions as an ongoing opportunity to ask key questions about implementation progress. Although the primary goal of these check-in meetings is to provide technical assistance with implementation and recommendations for handling emergent challenges in the implementation process, they will also be a source of rich information for the evaluation. Because these meetings occur in real time as the implementation unfolds, they will reduce the potential biases (*e.g.,* selective memory, recency effects, forgetting details about key events and their sequence) associated with only collecting data at the beginning or end of the implementation period.

These check-in meetings will occur by telephone and are intended to monitor implementation progress, provide support to health systems, and discuss next steps. AIR implementation facilitators for each site will schedule telephone conference calls with site champions (N = 11), during which structured notes will be taken. These notes will be supplemented with relevant information from other touchpoints between the facilitators and champions (*e.g.,* ad hoc calls, email exchanges, and voluntary participation in monthly shared learning events) as they naturally occur. Notetakers will capture and document information related to key implementation domains as these topics arise in check-in meetings and other facilitator/champion encounters throughout implementation.

Estimated Annual Respondent Burden

Exhibit 1 shows the total estimated annualized burden of 214.5 hours for the two rounds of key informant interviews and implementation ''check-ins'' combined. For the key informant interviews (totaling 154 hours), burden is included for: (1) LHS leaders/ decisionmakers participating in the preliminary interviews (a maximum of 33 hours), (2) LHS leaders/ decisionmakers participating in the follow-up interviews (a maximum of 33 hours), (3) clinical staff participating in

the follow-up interviews (a maximum of 22 hours), (4) interviewee review of materials, consent forms, and logistics in advance of their respective interviews (*i.e.,* 16.5 + 5.5 = 22 hours) and (5) time for designated LHS staff (*e.g.,* the LHS member, a designated site liaison, selected interviewees) to recommend key informants, coordinate implementation support, and help with scheduling of in-person preliminary interviews and remote follow-up interviews (44 hours). Also included in Exhibit 1 is the estimated annualized burden hours for monthly check-ins between implementation facilitators and LHS champions for informal technical assistance support and the quick status probes on implementation progress (a maximum of 60.5 hours). These annualized burden estimates for the key informant interviews and the coaching sessions are further explained below.

Key Informant Interviews: Expanded Detail on Burden Estimates

We estimate 1 hour for each key informant interview for: (1) LHS leaders/decisionmakers participating in the preliminary interviews (a maximum of 33 hours), (2) LHS leaders/decisionmakers participating in the follow-up interviews (a maximum of 33 hours), (3) clinical staff participating in the follow-up interviews (a maximum of 22 hours), *(Total interview burden = 1.00 hour × maximum of 88 interviews = 88 hours).* We estimate an additional 15 minutes (0.25 hours) will be needed for key informants to prepare for their respective interview(s) *(Total interview preparation burden = 0.25 hours × maximum of 88 interviews = 22 hours; of which 16.5 hours is for leaders/decisionmakers to prepare for both preliminary and follow-up interviews and 5.5 is for clinical staff to prepare for their participation in the follow-up interviews only).* Finally we estimate time for LHS leaders and staff to identify interview candidates, facilitate recruitment, coordinate implementation support, and assist with interview scheduling (4.00 hours per each of 11 LHSs; *Total staff assistance burden = 4.00 hours × 11 sites = 44 hours*). The ''staff assistance'' burden involves the following:

- In each of the eleven LHS organizations implementing the product(s), the LHS member (and/or site liaison/champion) will identify prospective key informants (*i.e.,* other LHS leaders/decisionmakers and appropriate clinical staff), with additional key informants subsequently identified through snowball sampling.
- Designated LHS staff (*i.e.,* LHS member, designee and/or site liaison/champion) will provide needed contact information to the AIR evaluation team for outreach and recruitment of the prospective key informant interview candidates, assist with interview scheduling, and coordinate implementation support with the AIR team.

We will develop standardized email messages to reach out to interview candidates and a written overview of the project, the evaluation, and the purpose of the interview. We will coordinate scheduling of both the implementation support check-ins and the 60-minute interviews at the most convenient time, considering the needs of the LHS leadership and staff. For the preliminary interviews, if prospective interviewees are not available during our site visit, we will ask for suggestions of other LHS staff who meet our recruitment criteria or arrange a telephone interview, if needed.

Implementation Support Meetings/Check-Ins: Expanded Detail on Burden Estimates

We estimate 60.5 hours for the monthly check-ins between implementation facilitators and LHS champions. This includes an average of 30 minutes of implementation support/check-in meetings per each of the 11 LHSs for each month of implementation (11 months). (*11 months × 0.5 hours = 5.5 hours).* Across LHSs, the estimated burden associated with check-ins is approximately 61 hours across the implementation period (*5.5 hours × 11 LHSs = 60.5 hours*).

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents *	Number of responses per respondent	Hours per response	Total burden hours
In-person preliminary interviews with LHS leaders/decisionmakers	** 33	1	1.00	33
Remote follow-up interviews with LHS leaders/decisionmakers	** 33	1	1.00	33
Remote follow-up interviews with clinical staff	22	1	1.00	22
Review of materials prior to BOTH preliminary and follow-up interviews—LHS leaders/decisionmakers	33	2	0.25	16.5
Review of materials prior to interviews—clinical staff	22	1	0.25	5.5
Interview scheduling and other staff assistance	11	1	4.00	44
Implementation check-ins: Brief monthly implementation progress checks, documented for the evaluation as structured notes on implementation topics naturally occurring in coach/champion encounters	11	11	0.5	60.5
Total	165			*** 214.5

* The numbers in this column give the maximum number of respondents for each listed activity based on a range in the number of recruits per site (*e.g.,* ''2–3 LHS leaders/decisionmakers''). The balance may shift some between LHS leaders/decisionmakers and clinical staff depending on implementation team and leadership composition at each site. In any case, 88 interviews (33 + 33 + 22 = 88) is a maximum possible in the event each of the 11 sites contributes 3 ''LHS leaders/decisionmakers'' (likely the same people for preliminary and follow-up interviews) and 2 additional clinical staff (for follow-up interviews only) as key informants. It is more likely that the total number of interviews will be around 80.

** These are likely to be the same 33 respondents in both preliminary and follow-up interviews.

*** Total maximum burdened hours estimate based on maximum of 88 interviews.

Costs associated with the estimated annualized burden hours are provided in Exhibit 2.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents *	Total burden hours	Average hourly wage rate **	Total cost burden
In-person preliminary interviews with leaders/decisionmakers	33	33	[a] $94.47	$3,117.51
Remote follow-up interviews with leaders/decisionmakers	33	33	[a] 94.47	3,117.51
Remote follow-up interviews with clinical staff	22	22	[b] 52.13	1,146.86
Review of materials prior to BOTH preliminary and follow-up interviews—LHS leaders/decisionmakers	33	16.5	[a] 94.47	1,558.76
Review of materials prior to interviews—clinical staff	22	5.5	[b] 52.13	286.72
Interview scheduling and other staff assistance [c]	11	44	[c] 20.34	894.96
Implementation check-ins (documented for the evaluation as structured notes on implementation progress)	11	60.5	[a] 94.47	5,715.44
Total	165			15,837.76

* The numbers in this column give the maximum number of respondents for each listed activity based on a range in the number of recruits per site (*e.g.,* ''2–3 LHS leaders/decisionmakers''). As noted in the comment to Exhibit 1, the balance may shift some between LHS leaders/decisionmakers and clinical staff depending on implementation team and leadership composition at each site. In any case, 88 interviews (33 + 33 + 22 = 88) is a maximum possible.

** National Compensation Survey: Occupational wages in the United States May 2018 ''U.S. Department of Labor, Bureau of Labor Statistics.''

[a] Based on the mean wages for *Internists, General. 29–1063; annual salary of $196,490.*

[b] Based on the mean wages for *Physician Assistants, 29–1071; annual salary of $108,430.*

[c] Based on the mean wages for *Secretaries and Administrative Assistants, 43–6010; annual salary of $42,320.*

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: April 7, 2020.

Virginia L. Mackay-Smith,

Associate Director.

[FR Doc. 2020–07664 Filed 4–10–20; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''*Consumer Assessment of Healthcare Providers and Systems (CAHPS) Health Plan Survey Database.*'' In accordance with the Paperwork Reduction Act of 1995, AHRQ invites the public to comment on this proposed information collection. This proposed information collection was previously published in the **Federal Register** on January 28, 2020 and allowed 60 days for public comment. AHRQ did not receive comments from members of the public. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by 30 days after date of publication of this notice.

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: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Consumer Assessment of Healthcare Providers and Systems (CAHPS) Health Plan Survey Database

AHRQ requests that OMB reapprove AHRQ's collection of information for the AHRQ Consumer Assessment of Healthcare Providers and Systems (CAHPS) Health Plan Survey Database: OMB Control number 0935–0165, expiration May 31, 2020 (the CAHPS Health Plan Database). The CAHPS Health Plan Database consists of data from the AHRQ CAHPS Health Plan Survey. Health plans in the U.S. are asked to voluntarily submit data from the survey to AHRQ, through its contractor, Westat. The CAHPS Health Plan Database was developed by AHRQ in 1998 in response to requests from health plans, purchasers, and the Centers for Medicare & Medicaid Services (CMS) to provide comparative data to support public reporting of health plan ratings, health plan accreditation and quality improvement.

This research has the following goals:

(1) To maintain the CAHPS Health Plan Database using data from AHRQ's standardized CAHPS Health Plan Survey to provide results to health care purchasers, consumers, regulators and policy makers across the country.

(2) To offer several products and services, including aggregated results presented through an Online Reporting

System, summary chartbooks, custom analyses, and data for research purposes.

(3) To provide data for AHRQ's annual National Healthcare Quality and Disparities Report.

(4) To provide state-level data to CMS for public reporting on *Medicaid.gov* and *Data.Medicaid.gov* that does not display the name of the health plans.

Survey data from the CAHPS Health Plan Database are used to produce four types of products: (1) An annual chartbook available to the public on the CAHPS Database website (*https://www.cahpsdatabase.ahrq.gov/CAHPSIDB/Public/Chartbook.aspx*); (2) individual participant reports that are confidential and customized for each participating organization (*e.g.,* health plan, Medicaid agency) that submits their data; (3) a research database available to researchers wanting to conduct additional analyses; and (4) data tables provided to AHRQ for inclusion in the National Healthcare Quality and Disparities Reports.

This study is being conducted by AHRQ through its contractor, Westat, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services; quality measurement and development, and database development. 42 U.S.C. 299a(a)(1), (2) and (8).

Method of Collection

To achieve the goals of this project the following data collections will be implemented:

- Health Plan Registration Form—The point-of-contact (POC), often the sponsor from Medicaid agencies and health plans, completes a number of data submission steps and forms, beginning with the completion of the online registration form. The purpose of this form is to collect basic contact information about the organization and initiate the registration process.
- Data Use Agreement—The purpose of the data use agreement, completed by the participating sponsor organization, is to state how data submitted by health plans will be used and provide confidentiality assurances.
- Health Plan Information Form—The purpose of this form, completed by the participating sponsor organization, is to collect background characteristics of the health plan.
- Questionnaire Submission—POCs upload a copy of the questionnaire used to ensure that it meets CAHPS Health Plan Survey standards (the survey instrument must include all core questions, not alter the wording of any core questions, and must not omit any of the survey items related to respondent characteristics that are used for case mix adjustment.)
- Data Files Submission—POCs upload their data file using the Health Plan data file specifications to ensure that users submit standardized and consistent data in the way variables are named, coded, and formatted.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated burden hours for the respondents to participate in the database. The burden hours pertain only to the collection of Medicaid data from State Medicaid agencies and individual Medicaid health plans because those are the only entities that submit data through the data submission process (other data are obtained from CMS). The 85 POCs in Exhibit 1 are a combination of an estimated 75 State Medicaid agencies and individual health plans, and 10 vendor organizations.

Each State Medicaid agency, health plan or vendor will register online for submission. The online registration form will require about 5 minutes to complete. Each submitter will also complete a health plan information form about each health plan, such as the name of the plan, the product type (*e.g.,* HMO, PPO), and the population surveyed (*e.g.,* adult Medicaid or child Medicaid). Each year, the prior year's plan data are preloaded in the plan table to lessen burden on the POC. The POC is responsible for updating the plan table to reflect the current year's plan information. The online health plan information form takes on average 30 minutes to complete per health plan with each POC completing the form for four plans on average. The data use agreement will be completed by the 75 participating State Medicaid agencies or individual health plans. Vendors do not sign or submit DUAs. The DUA requires about 5 minutes to sign and upload. Each submitter will provide a copy of their questionnaire and the survey data file in the required file format. Survey data files must conform to the data file layout specifications provided by the CAHPS Health Plan Database. Since the unit of analysis is at the health plan level, submitters will upload one data file per health plan. Once a data file is uploaded the file will be checked automatically to ensure it conforms to the specifications and a data file status report will be produced and made available to the submitter. Submitters will review each report and will be expected to fix any errors in their data file and resubmit if necessary. It will take about 1 hour to submit the questionnaire and data for each plan, and each POC will submit data for four plans on average. The total burden is estimated to be 463 hours annually.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents/POCs	Number of responses per POC	Hours per response	Total burden hours
Registration Form	85	1	5/60	7
Health Plan Information Form	75	4	30/60	150
Data Use Agreement	75	1	5/60	6
Questionnaire and Data Files Submission	75	4	1	300
Total	310	NA	NA	463

Exhibit 2 shows the estimated annualized cost burden based on the respondents' time to complete one submission process. The cost burden is estimated to be $22,083 annually.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate *	Total cost burden
Registration Form	85	7	[a] 54.68	$383
Health Plan Information Form	75	150	[a] 54.68	8,202
Data Use Agreement	75	6	[b] 96.22	577
Questionnaire and Data Files Submission	75	300	[c] 43.07	12,921
Total	310	463	NA	$22,083

* National Compensation Survey: Occupational wages in the United States May 2018, ''U.S. Department of Labor, Bureau of Labor Statistics.''
[a] Based on the mean hourly wage for Medical and Health Services Managers (11–9111).
[b] Based on the mean hourly wage for Chief Executives (11–1011).
[c] Based on the mean hourly wages for Computer Programmer (15–1131).

Request for Comments

In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3521, 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 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: April 7, 2020.

Virginia Mackay-Smith,

Associate Director.

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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: ''*Evaluating the Dissemination and Implementation of PCOR to Increase Referral, Enrollment, and Retention through Automatic Referral to Cardiac Rehabilitation (CR) with Care Coordination.*'' This proposed information collection was previously published in the **Federal Register** on February 4th, 2020 and allowed 60 days for public comment. AHRQ did not receive comments from members of the public. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by 30 days after date of publication of this notice.

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: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Evaluating the Dissemination and Implementation of PCOR To Increase Referral, Enrollment, and Retention Through Automatic Referral to Cardiac Rehabilitation (CR) With Care Coordination

The aim of AHRQ's TAKEheart project is to (a) raise awareness about the benefits of cardiac rehabilitation (CR) after myocardial infarction or coronary revascularization, then to (b) disseminate knowledge about the best practices to increase referrals to CR, and, finally, (c) to increase CR uptake. Currently over two-thirds of eligible cardiac patients are not referred to CR despite extensive evidence of its effectiveness in preventing subsequent morbidity; national estimates of referral range from 10–34%. To help improve CR rates, the Million Hearts® Cardiac Rehabilitation Collaborative—an initiative co-led by the Centers for Disease Control and Prevention (CDC) and the Centers for Medicare & Medicaid Services (CMS)—developed a Cardiac Rehabilitation Change Package (CRCP) and established a national goal of 70% participation in CR by 2022 for eligible patients. Recognizing that widespread adoption of the CRCP could help hospitals enhance CR rates, the CDC turned to AHRQ with a request that AHRQ consider disseminating and implementing evidence for CR and practices that promote CR. The CRCP is designed to facilitate this dissemination and implementation process. AHRQ reviewed this request in the context of its Patient Centered Outcomes Research Dissemination and Implementation initiative and judged the CDC nomination to have a high level of fit with AHRQ's criteria of having a substantial evidence base, high potential impact, and high feasibility for wide dissemination and implementation Outreach with stakeholders indicates that this initiative aligns well but does not duplicate work by NIH; PCORI; CMS and CDC.

The core recommendations in the CDC package are, first to spread adoption of automatic referral system—where patients after cardiovascular events are referred by the Electronic Health Record to rehabilitation unless the cardiologist actively decides not to refer because of medical ineligibility. The second core recommendation is use of a care coordinator to guide patients through referral has resulted in the most significant increases in referral to CR.

TAKEheart will facilitate dissemination and implementation of Automatic Referral with Care Coordination in selected, diverse hospitals nationwide which demonstrate their readiness.

AHRQ will evaluate TAKEheart to assess:

- The extent and effectiveness of the dissemination and implementation efforts;
- the uptake and usage of Automatic Referral with Care Coordination; and
- levels of referral to CR at the end of the intervention.

Evaluation results will be used to improve the intervention and to provide guidance for future AHRQ Dissemination and Implementation projects. Two cohorts of ''Partner Hospitals,'' up to 125 hospitals in total, will receive training that disseminates the importance of CR and ways to enhance CR referral and then engages them in efforts to implement Automatic Referral with Care Coordination over twelve month periods. The evaluation will ascertain the diversity of hospitals engaged, the activities that contributed to (or hindered) their efforts, and the types of support which they report having been most (and least) useful. This information will be used to improve recruitment, technical assistance, and tools for the second cohort.

In addition, hospitals—including those involved in the dissemination and implementation support for Partner Hospitals—will be invited to attend Affinity Group virtual meetings organized around specific topics of interest which are not intrinsic to Automatic Referral with Care Coordination. Hospital staff engaged in Affinity Groups will create a vibrant Learning Community. The evaluation will determine which Affinity Groups engaged the most participants of the Learning Community, and which resources participants determined the most useful. This information will be used to develop resources which will be available on a new, permanent website dedicated to improving CR.

This study is being conducted by AHRQ through its contractor, Abt Associates Inc., pursuant to AHRQ's statutory authority to disseminate government-funded research relevant to comparative clinical effectiveness research. 42 U.S.C. 299b–37(a).

Method of Data Collection

To collect data on the many facets of the intervention, we will use multiple data collection tools, each of which has a specific purpose and set of respondents.

1. Partner Hospital Champion Survey. Each Partner Hospital will designate a ''Champion,'' who will coordinate activities associated with implementing Automatic Referral with Care Coordination at the hospital, and provide the Champion's name and email address. The Champion may have any role in the hospital, although they are expected in relevant positions, such as cardiologists or quality improvement managers. We will conduct online surveys of 125 Champions (one Champion per hospital). We will use the email addresses to send the Champion a survey at two points: Seven months after the start of dissemination and implementation to the Partner Hospitals and at the end of the 12-month dissemination and implementation period. The first survey will focus on four constructs. First, it will capture data about the hospital context, such as whether it had prior experience customizing an electronic medical record (EMR) or is a safety net hospital. Second, it will address the hospital's decision to participate in TAKEheart. Third, it will capture data on the CR programs the hospital refers to, whether the number or type has changed, and why. Fourth, it will collect feedback on the training and technical assistance received. The second survey will focus on three constructs. First, it will collect feedback on the TAKEheart components, including training, technical assistance, and use of the website. Second, we will ask about the hospitals' response to participating in TAKEheart, such as changes to referral workflow or CR programs. Third, we will ask those Partner Hospitals which have not completed the process of implementing Automatic Referral with Care Coordination whether they anticipate continuing to work towards that goal and their confidence in succeeding.

2. Partner Hospital Interviews.

a. Interviews with Partner Hospital Champions. We will select, from each cohort, eight Partner Hospitals that demonstrated a strong interest in addressing underserved populations or reducing disparities in participation in cardiac rehabilitation. We will conduct a key informant interview with the Champion of each selected Partner Hospital to delve into their response to the information and guidance that was disseminated to them and to describe how they are addressing the needs of underserved populations by implementing Automatic Referral with Care Coordination.

b. Interviews with Partner Hospital cardiologists. We will select, from each cohort, eight hospitals based on criteria such as hospitals which serve specific populations, or have the same EMRs, which will inform their experience customizing the EMR. We will conduct semi-structured interviews with one cardiologist at each of the selected hospitals twice. In the second month of the cohort for dissemination and implementation, we will ask about their needs, concerns, and expectations of the program. In the 11th month of the cohort implementation, we will determine whether their concerns were addressed appropriately and adequately.

c. Interviews with Partner Hospitals that withdraw. We expect that a small number of Partner Hospitals may withdraw from the cohort. We will identify these hospitals by their lack of participation in training and technical assistance events; technical assistance providers will confirm their withdrawal. We will interview up to nine withdrawing hospitals to better understand the reason for withdrawal (*e.g.,* a merger resulted in a loss of support for the intervention, Champion left), as well as facilitators of, and barriers to, each hospital's approach to implementing Automatic Referral with Care Coordination. If more than nine hospitals withdraw, we will cease interviewing.

3. Learning Community Participant Survey. We will conduct online surveys of 250 currently active Learning Community participants at two points in time, in months 18 and 31 of the project. We will administer the survey by sending a link to an online survey to email addresses entered by virtual meeting participants during registration. The email will describe the purpose of the survey.

4. Learning Community Follow-up Survey. We will conduct a brief online survey with up to 15 Learning Community participants following the final virtual meeting for each of 10 Affinity Groups, to ascertain whether the hospitals were able to act on what they learned during the session. The total sample will be 150 Learning Community participants.

Estimated Annual Respondent Burden

Exhibit 1 presents estimates of the reporting burden hours for the data collection efforts. Time estimates are based on prior experiences and what can reasonably be requested of participating health care organizations. The number of respondents listed in column A, Exhibit 1 reflects a projected 90% response rate for data collection effort 1, and an 80% response rate for efforts 3 and 4 below.

1. Partner Hospital Champion Survey. We assumed 113 hospital champions

will complete the survey based on a 90% response rate. It is expected to take up to 45 minutes to complete for a total of 169.5 hours to complete.

2. Partner Hospital Interviews. In-depth interviews will occur with select Partner Hospital staff.

a. Interviews with Partner Hospital Champions. We will have a single, 90 minute interview with eight Partner Hospital Champions, in each cohort, from Partner Hospitals that have a common characteristic of particular interest, for a total of 24 hours.

b. Interviews with Partner Hospital cardiologists. We will hold individual, up-to-30 minute interviews with eight cardiologists, twice in each cohort, for a total of 16 hours.

c. Interviews with Partner Hospitals that withdraw. We will interview up to nine withdrawing hospitals for no more than 20 minutes to better understand the reason for withdrawal as well as facilitators and barriers, for a total of 2.7 hours.

3. Learning Community Participant Survey. We assumed 200 Learning Community participants will complete the survey based on an 80% response rate. It is expected to take up to 15 minutes to complete each survey for a total of 100 hours.

4. Learning Community Follow-up Survey. We will conduct a brief, up to 10 minute, online survey of participants of each of just ten selected Affinity Groups at two months after the virtual meeting. We assumed 120 Learning Community participants will complete the survey based on an 80% response rate. It is expected to take up to 15 minutes to complete each survey for a total of 20.4 hours.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Data collection method or project activity	A. Number of respondents	B. Number of responses per respondent	C. Hours per response	D. Total burden hours
1. Partner Hospital Champion Survey *	113	2	0.75	169.5
2a. Interviews with Partner Hospital Champions	16	1	1.5	24.0
2b. Interviews with Partner Hospital Cardiologists	16	2	0.5	16.0
2c. Interviews with Partner Hospitals that withdraw	9	1	0.3	2.7
3. Learning Community Survey **	200	2	0.25	100.0
4. Learning Community Follow-up Survey **	120	1	0.17	20.4
Total	474			332.6

* Number of respondents (Column A) reflects a sample size assuming a 90% response rate for this data collection effort.
** Number of respondents (Column A) reflects a sample size assuming an 80% response rate for this data collection effort.

Exhibit 2, below, presents the estimated annualized cost burden associated with the respondents' time to participate in this research. We obtained median hourly wage rates for relevant occupations from the Bureau of Labor & Statistics on ''Occupational Employment Statistics, May 2018 Occupation Profiles'' found at the following URL on October 1, 2019: *https://www.bls.gov/oes/current/oes_stru.htm#15-0000.* We assumed that half the Partner Hospital Champions will be cardiologists and half will be Quality Improvement managers. We calculated the hourly rate of $72.27 by averaging the median hourly wage rate for cardiologists ($96.58, occupation code 29–1069) and medical and health services managers ($47.95, occupation code 11–1141). The occupation of medical and health services managers has been used for quality improvement staff in other AHRQ projects. The total cost burden is estimated to be about $21,497.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Data collection method or project activity	A. Number of respondents	B. Total burden hours	Average hourly wage rate	Total cost burden
1. Partner Hospital Champion Survey *	113	169.5	$72.27	$12,250
2a. Interviews with Partner Hospital Champions	16	24.0	72.27	1,734
2b. Interviews with Partner Hospital Cardiologists	16	16.0	96.58	1,545
2c. Interviews with Partner Hospitals that withdraw	9	2.7	72.27	195
3. Learning Community Survey **	200	100.0	47.95	4,795
4. Learning Community Follow-up Survey **	120	20.4	47.95	978
Total	474	332.6		21,497

* Number of respondents (Column A) reflects a sample size assuming a 90% response rate for this data collection effort.
** Number of respondents (Column A) reflects a sample size assuming an 80% response rate for this data collection effort.

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 health care research and healthcare 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: April 7, 2020.

Virginia L. Mackay-Smith,

Associate Director.

[FR Doc. 2020–07661 Filed 4–10–20; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2020–0001; NIOSH–333]

Developing a Workplace Supported Recovery Program: A Strategy for Assisting Workers and Employers With the Nation's Opioid and Substance Use Disorder Epidemics; Request for Information; Extension of Comment Period

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Extension of comment period.

SUMMARY: On February 26, 2020, the National Institute for Occupational Safety and Health (NIOSH), within the Center for Disease Control and Prevention (CDC), opened a docket to obtain public input on a NIOSH plan to develop resources and conduct research on the topic of workplace supported recovery. Workplace supported recovery programs (WSRPs) assist workers and employers facing the nation's crisis related to the misuse of opioids and other drugs, and related substance disorders. Comments were to be received by April 27, 2020. NIOSH is extending the comment period to close on July 27, 2020, to allow stakeholders and other interested parties sufficient time to respond.

DATES: The comment period for the document published on February 26, 2020 (85 FR 11085), is extended. Comments must be received by July 27, 2020.

ADDRESSES: You may submit written comments, identified by docket numbers CDC–2020–0001 and NIOSH–333, by either of the following two methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226–1998.

Instructions: All information received in response to this notice must include the agency name and docket number [CDC–2020–0001; NIOSH–333]. All relevant comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: L. Casey Chosewood, NIOSH, 1600 Clifton Road NE; Mailstop V24–4, Atlanta, GA 30329; phone: 404–498–2483 (not a toll-free number); email: *twh@cdc.gov.*

SUPPLEMENTARY INFORMATION: NIOSH published a request for information in the **Federal Register** on February 26, 2020 (85 FR 11085) regarding the planned development of resources and conduct of research on the topic of workplace supported recovery programs (WSRPs). This notice announces the extension of the comment period until July 27, 2020.

John J. Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2020–07683 Filed 4–10–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Intent To Award a Single-Source Supplement for the Amputee Coalition of America, Inc. for the National Limb Loss Resource Center Cooperative Agreement

ACTION: Notice; intent to award a single-source supplement.

SUMMARY: The Administration for Community Living (ACL) announces the intent to award a single-source supplement to the current cooperative agreement held by the Amputee Coalition of America, Inc. for the National Limb Loss Resource Center (NLLRC). The purpose of this project is to expand on current grant activities occurring across communities. These activities include programs that promote independence, community living, and the adoption of healthy behaviors that promote wellness and prevent and/or reduce chronic conditions associated with limb loss and increase partnerships and collaborations with ACL programs that will benefit all people living with limb loss or limb differences. The administrative supplement for FY 2020 will be for $500,000, bringing the total award for FY 2020 to $3,884,003.

FOR MORE INFORMATION CONTACT: For further information or comments regarding this program supplement, contact Elizabeth Leef, U.S. Department of Health and Human Services, Administration for Community Living, Administration on Disabilities, Independent Living Administration at (202) 475–2486 and; email *Elizabeth.leef@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: The additional funding will not be used to begin new projects. The funding will be used to enhance and expand existing programs that can serve an increased number of veterans and people living with limb loss and limb differences by providing increased technical assistance activities; promoting health and wellness programs; addressing healthcare access issues, including maternity care; promoting the adoption of healthy behaviors with the objective of preventing and/or reducing chronic conditions associated with limb loss; increasing partnerships and collaborations with ACL programs that will benefit all people living with limb loss or limb differences; enhancing and expanding the evaluation activities currently under way; and enhancing website capacities for improved information dissemination.

Program Name: National Limb Loss Resource Center

Recipient: The Amputee Coalition of America, Inc.

Period of Performance: The supplement award will be issued for the second year of the five-year project period of April 1, 2019, through March 29, 2024.

Total Supplement Award Amount: $500,000 in FY 2020.

Award Type: Cooperative Agreement Supplement.

Statutory Authority: This program is authorized under Section 317 of the Public Health Service Act (42 U.S.C. 247(b–4)); Consolidated and Further Continuing Appropriations Act, 2015, Public Law 113–235 (Dec. 16, 2014).

Basis for Award: The Amputee Coalition of America, Inc. is currently funded to carry out the objectives of this program, entitled The *National Limb Loss Resource Center* for the period of April 1, 2019, through March 29, 2024. Almost 2 million Americans have experienced amputations or were born with limb difference and another 28 million people in our country are at risk for amputation. The supplement will enable the grantee to carry their work even further, serving more people living with limb loss and/or limb differences and providing even more comprehensive training and technical assistance in the development of long-term supportive services. The additional funding will not be used to begin new projects or activities. The NLLRC will

enhance and expand currently funded activities such as conducting national outreach for the development and dissemination of patient education materials, programs, and services; providing technical support and assistance to community based limb loss support groups; and raising awareness about the limb loss and limb differences communities.

Establishing an entirely new grant project at this time would be potentially disruptive to the current work already well under way. More importantly, the people living with limb loss and limb differences currently being served by this program could be negatively impacted by a service disruption, thus posing the risk of not being able to find the right resources that could negatively impact on health and wellbeing. If this supplement were not provided, the project would be less able to address the significant unmet needs of additional limb loss survivors. Similarly, the project would be unable to expand its current technical assistance and training efforts in NLLRC concepts and approaches, let alone reach beyond traditional providers of services to this population to train more ''mainstream'' providers of disability services.

Dated: April 6, 2020.

Mary Lazare,

Administrator and Assistant Secretary for Aging.

[FR Doc. 2020–07665 Filed 4–10–20; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Collection; Comment Request; Outcome Evaluation of the Long-Term Care Ombudsman Program (LTCOP); OMB#0985–XXXX

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity for the public to comment on the proposed collection of information listed above. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the proposed new information collection requirements related to an outcome evaluation for ACL's Long-term Ombudsman Program (LTCOP).

DATES: Comments on the collection of information must be submitted electronically by 11:59 p.m. (EST) or postmarked by June 12, 2020.

ADDRESSES: Submit electronic comments on the collection of information to: Susan Jenkins, Ph.D. Submit written comments on the collection of information to Administration for Community Living, Washington, DC 20201, Attention: Susan Jenkins, Ph.D.

FOR FURTHER INFORMATION CONTACT: Susan Jenkins, Ph.D., Administration for Community Living, Washington, DC 20201, 202.795.7369; *Susan.Jenkins@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. A ''Collection of information'' is defined as and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The PRA requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing a notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, ACL invites comments on our burden estimates or any other aspect of this collection of information, including:

(1) Whether the proposed collection of information is necessary for the proper performance of ACL's functions, including whether the information will have practical utility;

(2) the accuracy of ACL's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used to determine burden estimates;

(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 when appropriate, and other forms of information technology.

The mission of the Administration for Community Living (ACL) [1] is to maximize the independence, well-being, and health of older adults, people with disabilities across the lifespan, and their families and caregivers. The Long-Term Care Ombudsman Program serves individuals living in long-term care facilities (nursing homes, residential care communities, such as assisted living and similar settings) and works to resolve resident problems related to poor care, violation of rights, and quality of life. Ombudsman programs also advocate at the local, state and national levels to promote policies and consumer protections to improve residents' care and quality of life.

This data collection is part of an outcome evaluation of the Long-term Care Ombudsman Program (LTCOP) designed to determine the efficacy of LTCOP in carrying out core functions as described in the Older Americans Act, the long-term impacts of the LTCOP's for various stakeholders, what system advocacy among Ombudsman programs looks like, and effective or promising Ombudsman program practices. The efficacy of LTCOP in carrying out core functions as described in the Older Americans Act. ACL is interested in learning:

1. Are the critical functions, including federally mandated responsibilities, of the LTCOP at the state, and local levels, carried out effectively and efficiently?

2. How effective is the LTCOP in ensuring Ombudsman services for the full range of residents of long-term care facilities, including individuals with the greatest economic and social needs?

3. How cost-effective LTCOP strategies are, for example, the cost effectiveness of services offered through consultations, referrals, complaint handling, and via education and outreach activities.

4. What impact do LTCOPs have on long-term care practices, programs, and policies?

5. What impact do LTCOPs have on residents' health, safety, welfare, well-being, and rights?

Act (OAA) programs such as Title VII Long-Term Care Ombudsman Program (LTCOP), ACL/AoA seeks increased understanding of how these programs are operationalized at the State and local levels and their progress towards their goals and mission. This information will enable ACL/AoA to

[1] In April 2012, a new Operating Division was created within the US Department of Health and Human Services named the Administration for Community Living (ACL). This Operating Division contains the Administration on Aging (AoA). This document consistently refer to the federal agency as ''ACL/AoA.''

effectively report its results to the President, to Congress, to the Department of Health and Human Services and to the public.

The information will also aid in program refinement and continuous improvement. The more productive ACL/AoA's programs, the greater the number of older adults have access to a higher quality of life. Therefore, in addition to the legislative mandate under the OAA, it is important for program integrity and function to evaluate the LTCOP.

To comment and review the proposed data collection please visit the ACL website at *https://www.acl.gov/about-acl/public-input.*

Estimated Program Burden

ACL estimates the burden associated with this collection of information as follows:

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
Focus Group—Facility staff including participant information	16	1	0.33	5.3
Focus Group—Residents/family including participant information	24	1	1	24
Interview—Stakeholders	40	1	1	40
Survey—Facility Administrator	1840	1	0.33	607.2
Survey—Former Ombudsmen	12	1	1	12
Survey—SUA director	53	1	0.5	26.5
Total:	1985		4.16	715

Dated: April 6, 2020.

Mary Lazare,

Principal Deputy Administrator.

[FR Doc. 2020–07668 Filed 4–10–20; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Statistical and Data Coordinating Center (SDCC) for Clinical Research in Infectious Diseases.

Date: May 11, 2020.

Time: 12:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E71, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Lee G. Klinkenberg, Ph.D., Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E71 Bethesda, MD 20892–9834, 301–761–7749, *lee.klinkenberg@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 7, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–07709 Filed 4–10–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: Interinstitutional Agreement—Institution Lead: Graphene Oxide-Polycarbonate Track-Etched Nanosieve Platform for Sensitive Detection of Human Immunodeficiency Virus Envelope Glycoprotein

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Cancer Institute, an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the Indian Patent Applications listed in the Supplementary Information section of this notice to Chaudhary Charan Singh Haryana Agricultural University (CCSHAU) located in Hisar, India.

DATES: Only written comments and/or applications for a license which are received by the National Cancer Institute's Technology Transfer Center on or before April 28, 2020 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, and comments relating to the contemplated an Exclusive Patent License should be directed to: Jasmine J. Yang, Ph.D., (Senior) Licensing and Patenting Manager, NCI Technology Transfer Center, 9609 Medical Center Drive, RM 1E530 MSC 9702, Bethesda, MD 20892–9702 (for business mail), Rockville, MD 20850–9702 Telephone: (240)-276–5530; Facsimile: (240)-276–5504 Email: *jasmine.yang@nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

Indian Patent Application Serial No. 201711002764, filed February 24, 2017 entitled ''Graphene oxide-polycarbonate track-etched nanosieve platform for sensitive detection of human immunodeficiency virus envelope glycoprotein.''

The patent rights in these inventions have been assigned and/or exclusively licensed to the CCS Haryana Agricultural University and Government of the United States of America as represented by the Secretary, Department of Health & Human Services.

The prospective patent license will be for the purpose of consolidating the patent rights to CCSHAU, the co-owners of said rights, for commercial development and marketing. Consolidation of these co-owned rights is intended to expedite development of the invention, consistent with the goals

of the Bayh-Dole Act codified as 35 U.S.C. 200–212.

The prospective patent license will be an exclusive in India and may be limited to those fields of use commensurate in scope with the patent rights. It will be sublicensable, and any sublicenses granted by CCSHAU will be subject to the provisions of 37 CFR part 401 and 404.

This technology discloses a graphene oxide-polycarbonate nanosieve electrochemical biosensor for the detection of HIV envelope glycoprotein. The nanosieve is comprised of a polycarbonate membrane layered with graphene oxide laminate, which is conjugated to a bispecific tetravalent antibody, ''2Dm2m'', comprised of CD4 fused to a human domain targeting HIV–1 coreceptor binding domain that has high affinity to the HIV envelope glycoprotein gp140. The nanosieve is fitted between two Ag/AgCl electrodes to form an electrochemical nanobiosensor capable of detecting HIV virus (see attached figures). Binding of the HIV gp140 to 2Dm2m reduces the ionic current through the nanosieve biosensors, which functions as the marker of HIV presence. The biosensor has the potential to be a low-cost, portable and quick method for HIV viral load detection.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing, and the prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Cancer Institute receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially, and may be made publicly available.

License applications submitted in response to this Notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 2, 2020.

Richard U. Rodriguez,

Associate Director, Technology Transfer Center, National Cancer Institute.

[FR Doc. 2020–07707 Filed 4–10–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of an Exclusive Patent License: AAV Mediated Exendin-4 Gene Transfer to Salivary Glands To Protect Subjects From Diabetes or Obesity

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Institute of Diabetes and Digestive and Kidney Disease and National Institute of Dental and Craniofacial Research, institutes of the National Institutes of Health, Department of Health and Human Services, are contemplating the grant of an Exclusive Patent License to practice the inventions embodied in the United States, European and Canadian Applications listed in the Supplementary Information section of this notice to Kriya Therapeutics, Inc., located in Palo Alto, California, USA.

DATES: Only written comments and/or applications for a license which are received by the National Institute of Diabetes and Digestive and Kidney Disease's Technology Advancement Office on or before April 28, 2020 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated an Exclusive Patent License should be directed to: Vladimir Knezevic, MD, (Senior) Advisor for Commercial Evaluation, Technology Advancement Office, Building 12A, Room 3011, Bethesda, MD 20817–5632 (for business mail), Telephone: (301)–435–5560; Email: *vlado.knezevic@nih.gov.*

SUPPLEMENTARY INFORMATION:

Intellectual Property

I. U.S. Pat: 9,511,103 issued 2016–12–06, entitled ''AAV mediated exendin-4 gene transfer to salivary glands to protect subjects from diabetes or obesity'' (HHS Reference Number E–142–2011–0–US–05).

II. U.S. Divisional Pat: 10,300,095 issued 2019–05–28, entitled ''AAV mediated exendin-4 gene transfer to salivary glands to protect subjects from diabetes or obesity'' (HHS Reference Number E–142–2011–0–US–6).

III. European Patent National Stage: EP2709653 granted 2017–11–22, entitled ''AAV mediated exendin-4 gene transfer to salivary glands to protect subjects from diabetes or obesity'' (HHS Reference Number E–142–2011–0EP–04), validated in Great Britain, France and Germany.

IV. U.S. Patent Application No. 16/396,262 filed 2019–04–26, entitled ''AAV Mediated Exendin-4 Gene Transfer to Salivary Glands to Protect Subjects from Diabetes or Obesity'' (HHS Reference Number E–142–2011–0–US–10).

V. Canadian Application No. 2,833,623 filed 2012–04–19, entitled ''AAV Mediated Exendin-4 Gene Transfer to Salivary Glands to Protect Subjects from Diabetes or Obesity'' (HHS Reference Number E–142–2011–0–CA–03).

The patent rights in these inventions have been assigned or exclusively licensed to the Government of the United States of America.

The prospective exclusive license territory may be worldwide and in fields of use that may be limited to prevention and treatment of type-2 diabetes and obesity.

The above-listed patent portfolio covers inventions directed to gene therapy and specifically, expression vectors and therapeutic methods of using such vectors in the treatment of type-2 diabetes and obesity.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective exclusive license will be royalty bearing. The prospective exclusive license may be granted unless within fifteen (15) days from the date of this published notice, the National Institute of Diabetes and Digestive and Kidney Disease receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

In response to this Notice, the public may file comments or objections. Comments and objections, other than those in the form of a license application, will not be treated confidentially and may be made publicly available.

License applications submitted in response to this notice will be presumed to contain business confidential information and any release of information in these license applications will be made only as required and upon a request under the Freedom of Information Act, 5 U.S.C. 552.

Dated: April 1, 2020.

Vladimir Knezevic,

Senior Advisor for Commercial Evaluation, Technology Advancement Office, National Institute of Diabetes and Digestive and Kidney Disease.

[FR Doc. 2020–07706 Filed 4–10–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel: Mechanism for Time-Sensitive Research Opportunities in Environmental Health Sciences (R21).

Date: April 15, 2020.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, National Institutes of Health, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: Laura A. Thomas, Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, Research Triangle Park, NC 27709, 919–541–2824, *laura.thomas@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: April 7, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–07710 Filed 4–10–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2019–0029; OMB No. 1660–0115]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Environmental and Historic Preservation Screening Form

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before May 13, 2020.

ADDRESSES: Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Beth McWaters-Bjorkman, Environmental Protection Specialist, FEMA, Grant Programs Directorate, 202–786–9854, *elizabeth.mcwaters-bjorkman@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on 22 January 2020 at 85 FR 3712 with a 60 day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: Environmental and Historic Preservation Screening Form.

Type of information collection: Revision of a currently approved information collection.

OMB Number: 1660–0115.

Form Titles and Numbers: FEMA Form 024–0–1, Environmental and Historic Preservation Screening Form.

Abstract: NEPA requires each Federal agency to examine the impact of its actions (including the actions of recipients using grant funds) on the human environment, to look at potential alternatives to those actions, and to inform both decision-makers and the public of those impacts through a transparent process. This Screening Form will facilitate FEMA's review of recipient actions in FEMA's effort to comply with the environmental requirements.

Affected Public: State, Local or Tribal Governments; Not-for-Profit Institutions.

Estimated Number of Respondents: 2,000.

Estimated Number of Responses: 2,000.

Estimated Total Annual Burden Hours: 16,000.

Estimated Total Annual Respondent Cost: $871,360.

Estimated Respondents' Operation and Maintenance Costs: 0.

Estimated Respondents' Capital and Start-Up Costs: 0.

Estimated Total Annual Cost to the Federal Government: $6,535,742.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submission of responses.

Maile Arthur,

Acting Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2020–07660 Filed 4–10–20; 8:45 am]

BILLING CODE 9111–46–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6163–N–02]

Mortgagee Review Board: Administrative Actions

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (''HUD'').

ACTION: Notice.

SUMMARY: In compliance with Section 202(c)(5) of the National Housing Act, this notice advises of the cause and description of administrative actions taken by HUD's Mortgagee Review Board against HUD-approved mortgagees.

FOR FURTHER INFORMATION CONTACT: Nancy A. Murray, Secretary to the Mortgagee Review Board, 451 Seventh Street SW, Room B–133/3150, Washington, DC 20410–8000; telephone (202) 708–2224 (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 Information Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Section 202(c)(5) of the National Housing Act (12 U.S.C. 1708(c)(5)) requires that HUD ''publish a description of and the cause for administrative action against a HUD-approved mortgagee'' by HUD's Mortgagee Review Board (''Board''). In compliance with the requirements of Section 202(c)(5), this notice advises of actions that have been taken by the Board in its meetings from the beginning of the FY 19 fiscal year, October 1, 2018, through September 30, 2019 where settlement agreements have been reached.

I. Civil Money Penalties, Withdrawals of FHA Approval, Suspensions, Probations, and Reprimands

1. Acceptance Capital Mortgage Corporation, Spokane, WA [Docket No. 17–1723–MR]

Action: On June 26, 2019, the Board voted to withdraw for three years the FHA approval of Acceptance Capital Mortgage Corp. (''Acceptance'').

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Acceptance (a) failed to timely notify HUD/FHA of a September 2014 state sanction; (b) failed to timely notify HUD/FHA of a November 2014 state sanction; (c) submitted a false certification to HUD/FHA for fiscal year ended December 31, 2014; (d) failed to timely notify HUD of a February 2015 state sanction; (e) submitted a false certification to HUD/FHA for fiscal year ended December 31, 2015; (f) failed to maintain the minimum adjusted net worth for the fiscal year ended December 31, 2015; (g) failed to timely notify HUD/FHA of its net worth deficiency during fiscal year ended December 31, 2015; (h) failed to timely submit an acceptable audited or unaudited financial statement to the Secretary of Housing and Urban Development (''the Secretary'') for fiscal year ended December 31, 2015; and (i) failed to timely notify HUD/FHA of a February 2016 state sanction.

Previously, the Board had voted to agree to resolve the above allegations and additional allegations through a negotiated settlement to which Acceptance Capital had agreed; however, Acceptance Capital asserted that it had insufficient funds to make the agreed-to civil money penalty payment of $85,000. In addition to the three-year, the Board voted to impose civil money penalties of $68,000 for the above allegations.

2. AmCap Mortgage, Ltd. Houston, TX [Docket No. 20–0021–FC]

Action: On September 19, 2019 the Board voted to accept the terms of a settlement agreement with AmCap Mortgage (''AmCap'') pursuant to which AmCap provided the United States $590,098.17, of which $469,862.27 was designated as restitution. The settlement does not constitute an admission of liability or fault.

Cause: The Board took this action in conjunction with the Department of Justice, which negotiated a settlement with AmCap and which resolved, amongst other things, False Claims Act liability. Allegations concerned AmCap's failure to meet HUD requirements with respect to certain FHA-insured mortgages in connection with its origination and underwriting of FHA-insured mortgages that resulted in claims submitted to FHA.

3. American Ken, Inc., Diamond Bar, CA [Docket No. 19–1944–MR]

Action: On September 19, 2019 the Board voted to accept a settlement agreement with American Ken, Inc (''American Ken'') that required American Ken to pay a civil money penalty in the amount of $4,500. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: American Ken failed to notify HUD timely of a change in its business structure.

4. American Pacific Mortgage, Roseville, CA [Docket No. 18–1942–MR]

Action: On September 19, 2019, the Board voted to accept a settlement agreement with American Pacific Mortgage (''American Pacific'') that required American Pacific to (a) pay a civil money penalty in the amount of $9,468; and (b) refrain from making any claim for insurance benefits and/or indemnify HUD/FHA for the life of the loan for all losses associated with one FHA-insured loan. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: American Pacific endorsed or caused to be endorsed a cash out refinance mortgage without ensuring that the borrower had made all payments for all mortgages within the month due for the prior twelve-month period.

5. American Preferred Lending, San Diego, CA [Docket No. 16–1862–MR]

Action: On March 20, 2019, the Board voted to withdraw American Preferred Lending's (''American Preferred'') FHA approval for a period of one year.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: American Preferred (a) failed to timely notify HUD/FHA of sanctions; (b) failed to maintain the minimum liquid asset requirement for fiscal year ended December 31, 2016; (c) failed to timely notify HUD/FHA of a liquid asset deficiency and (d) submitted a false certification to HUD/FHA. American Preferred acknowledged all violations and notified HUD/FHA that it ceased all business operations and had no employees or remaining assets.

6. American Southwest Mortgage Corp., Oklahoma City, OK [Docket No. 19–1923–MRT]

Action: On June 26, 2019, the Board voted to accept the terms of a settlement agreement with American Southwest Mortgage Corp. (''American Southwest'') that required American Southwest to pay a civil money penalty in the amount of $9,000. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: American Southwest (a) failed to timely submit the required annual certification; (b) failed to timely remit the annual recertification fee; (c) failed to timely submit an acceptable audited or unaudited financial statement to the Secretary of Housing and Urban Development (''the Secretary'') for fiscal year 2017; (d) failed to timely notify HUD/FHA of an operating loss exceeding 20 percent of its adjusted net worth in any quarter; and (e) failed to file the quarterly financial statements required when operating losses exceed 20 percent of adjusted net worth in any quarter.

7. AMS Healthcare, Jacksonville, FL [Docket No. 19–1915–MR]

Action: On March 20, 2019, the Board voted to accept the terms of a settlement agreement with AMS Healthcare (''AMS'') that required AMS to pay a civil money penalty in the amount of $28,869 and to provide a capital contribution to in the amount of $28,869. The settlement did not constitute admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: AMS (a) failed to notify HUD/FHA of operating losses exceeding 20 percent of adjusted net worth during fiscal year ended December 31, 2017; (b) failed to file the quarterly financial statements required when operating losses exceed 20 percent of adjusted net worth in any quarter; and (c) submitted a false certification to HUD/FHA.

8. Avex Funding Corporation d/b/a Better Mortgage Corp. New York, NY. [Docket No. 17–1999–MR]

Action: On March 31, 2018, the Board voted to accept the terms of a settlement agreement with Avex Funding Corporation (''Avex'') that required Avex to pay a civil money penalty in the amount of $48,000. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Avex Mortgage (a) failed to timely notify HUD/FHA of an acquisition; (b) failed to timely notify HUD/FHA of aliases and/or DBA names; (c) failed to timely notify HUD/FHA of a corporate office address change; (d) failed to timely notify HUD/FHA of a state sanction; (e) submitted a false annual certification to HUD/FHA; (f) failed to comply with HUD/FHA annual recertification requirements; (g) failed to maintain an active license in the state where its home office is located; (h) submitted an Audited Financial statement for fiscal year ended December 31, 2017 that revealed additional violations of HUD regulations and requirements; (i) failed to notify HUD/FHA of an operating loss greater than twenty percent of its adjusted net worth; and (j) failed to submit quarterly financial reports following the loss.

9. Bridgelock Capital Woodland Hills, CA [Docket No.197–1916–MR]

Action: On June 26, 2019, the Board voted to accept a settlement agreement with Bridgelock Capital (''Bridgelock'') that required Bridgelock to pay a civil money penalty in the amount of $14,123. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Bridgelock (a) failed to maintain the minimum adjusted net worth during fiscal year ended December 31, 2017; (b) failed to timely notify HUD/FHA of its net worth deficiency; and (c) submitted a false certification to HUD/FHA.

10. Broker Solutions Inc., Tustin, CA [Docket No. 17–2015–MR]

Action: On August 15, 2018, the Board voted to accept a settlement agreement with Broker Solutions, Inc (''Broker Solutions'') that required Broker Solutions to pay a civil money penalty in the amount of $4,500. Broker Solutions also agreed to refrain from making any claim for insurance benefits and/or indemnify HUD/FHA for the life of the loan for all losses associated with one FHA insured loan. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD. Broker Solutions failed to follow FHA underwriting guidelines by failing to document and verify borrower's receipt of gift funds.

11. Carrington Mortgage Services, Anaheim, CA [Docket No. 16–1859–MR]

Action: On October 31, 2018, the Board voted to accept the terms of a settlement agreement with Carrington Mortgage Services (''Carrington'') that required Carrington to pay a civil money penalty in the amount of $311,800. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD/FHA requirements: Carrington (a) failed to accurately report the status of defaulted mortgages in HUD's Single Family Default Monitoring System (''SFDMS'') for a number of months; (b) failed to timely report loans previously in default had been resolved through reinstatement; and (c) failed to timely report on loans in default throughout fiscal year 2016.

12. Compu-Link Corporation d/b/a Celink, Lansing, MI [Docket No. 19–0016–FC]

Action: On December 20, 2018, the Board voted to accept the terms of a settlement agreement with Compu-Link d/b/a Celink (''Celink'') pursuant to which Celink provided the United States $4,250,000, of which $2,644,602.32 was identified as restitution. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the allegation that Celink violated HUD/FHA requirements for Home Equity Conversion Mortgages by seeking insurance claims from HUD/FHA after failing to properly curtail debenture interest. As a result, the United States alleged Celink obtained debenture interest payments that it was not entitled to receive on certain claims filed from November 1, 2011 to May 1, 2016.

13. Eagle Mortgage and Funding, Memphis, TN [Docket No. 18–1803–MR]

Action: On March 20, 2019, the Board voted to accept a settlement agreement with Eagle Mortgage and Funding (''Eagle'') that required Eagle to pay a civil money penalty in the amount of $18,468 and for its owners to provide a capital contribution to Eagle in the amount of $18,468. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: Eagle Mortgage (a) failed to maintain the minimum adjusted net worth during the fiscal year ending on December 31, 2016; (b) failed to

maintain the minimum required liquid assets during fiscal year ended December 31, 2016; and (c) submitted a false certification to HUD/FHA.

14. First Hallmark Mortgage Corporation, Somerset, NJ [Docket No. 16–1637–MR]

Action: On September 19, 2019, the Board voted to withdraw First Hallmark Mortgage Corporation (''First Hallmark''). As First Hallmark had ceased operations in 2016, HUD withdrew approval for an indefinite period.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: First Hallmark (a) failed to implement a quality control plan in accordance with HUD/FHA requirements; (b) failed to report material findings to HUD/FHA; (c) failed to comply with HUD/FHA's Tiered Pricing guidelines; (d) failed to identify and resolve discrepancies and/or conflicting information contained in documentation used to originate and underwrite FHA-insured loans; (e) failed to properly document a borrower's stability of income; and (f) failed to comply with HUD/FHA's requirements regarding faxed documentation.

15. HFC Funding Corporation, Ridgeland, MS [Docket No. 17–2027–MR]

Action: On December 11, 2018 the Board voted to accept the terms of a settlement agreement with HFC Funding Corporation (''HFC'') that required HFC to pay a civil money penalty in the amount of $9,000 and voluntarily withdraw from HUD/FHA. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: HFC (a) failed to timely notify HUD/FHA that it had an operating loss exceeding 20 percent of its adjusted net worth in a quarter; (b) failed to file the quarterly financial statements required when operating losses exceed 20 percent of adjusted net worth in any quarter; and (c) submitted a false certification to HUD/FHA.

16. Home America Lending Corp., Patchogue, NY [Docket No. 18–1814–MR]

Action: On March 20, 2019 the Board voted to withdraw Home America Lending Corp's (''Home America Lending'') FHA approval for a period of one year.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Home America (a) failed to file the quarterly financial statements required when operating losses exceed 20 percent of adjusted net worth in any quarter; and (b) failed to timely notify HUD/FHA of a state sanction. Home America notified HUD that it had ceased operations and was no longer originating FHA-insured loans.

17. Home Approvals Direct a/k/a Home First Mortgage Bankers, Irvine, CA [Docket No. 19–2020–MR]

Action: On September 19, 2019, the Board voted to accept the terms of a settlement agreement between the United States and Home Approvals Direct (''Home Approvals'') which required Home Approvals to pay a civil money penalty in the amount of $4,500. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following alleged violation of HUD/FHA requirements: Home Approvals failed to timely notify HUD/FHA of a change in principal ownership.

18. Horizon Bank, Michigan City, IN [Docket No. 19–1939–MR]

Action: On September 19, 2019, the Board voted to accept a settlement agreement with Horizon Bank (''Horizon'') that required Horizon to pay a civil money penalty in the amount of $9,000. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: Horizon (a) failed to timely notify HUD/FHA of a June 1, 2017 merger; and (b) failed to timely notify HUD/FHA of a March 2019 merger.

19. Huntington National Bank, Cincinnati, OH [Docket No. 17–2012–MR]

Action: On June 18, 2018, the Board voted to accept the terms of a settlement agreement with Huntington National Bank (''Huntington'') that required Huntington to pay a civil money penalty in the amount of $13,968. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Huntington (a) failed to timely notify HUD within ten business days of a merger with and acquisition of another entity; and (b) submitted a false certification to HUD/FHA.

20. Interstate Home Loan Center, Inc., Melville, NY [Docket No. 17–2017–MR]

Action: On June 26, 2019, the Board voted to accept a settlement agreement with Interstate Home Loan Center (''Interstate'') that required Interstate to pay a civil money penalty in the amount of $23,591. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Interstate (a) failed to maintain the minimum required net worth and liquid assets in fiscal year ending in 2016; (b) failed to notify HUD/FHA of the deficiencies; (c) submitted a false certification to HUD/FHA; (d) submitted an annual financial statement for 2017 which revealed additional violations of HUD regulations and requirements; and (e) failed to maintain the minimum required adjusted net worth and liquid assets during fiscal year 2017.

21. Longbridge Financial LLC, Mahwah, NJ [Docket No. 18–1811–MR]

Action: On June 26, 2019, the Board voted to accept a settlement agreement with Longbridge Financial, LLC (''Longbridge'') that required Longbridge to pay a civil money penalty in the amount of $4,500. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: Longbridge failed to file the quarterly financial statements required when operating losses exceed 20 percent of adjusted net worth.

22. Mann Mortgage, LLC, Kalispell, MT [Docket No. 18–1949–MR]

Action: On March 20, 2019, the Board voted to accept the terms of a settlement agreement with Mann Mortgage, LLC (''Mann'') that required Mann to pay a civil money penalty in the amount of $14,123. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Mann (a) failed to timely notify HUD/FHA of a state sanction; and (b) submitted a false certification to HUD/FHA.

23. Mariners Atlantic Portfolio, LLC., Newport Beach, CA [Docket No. 18–1807–MR]

Action: On March 20, 2019, the Board voted to accept the terms of a settlement agreement with Mariners Atlantic Portfolio, LLC (''Mariners'') that

required Mariners to pay a civil money penalty in the amount of $13,500. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Mariners (a) failed to timely submit audited annual financial statements for fiscal year 2016; (b) failed to maintain the minimum required liquid assets during fiscal years 2016 and 2017; (c) failed to notify HUD of a liquid asset deficiency; and (d) submitted a false certification to HUD/FHA.

24. MLB Sub I, LLC, Newport Beach, CA [Docket No. 18–1800–MR]

Action: On March 20, 2019, the Board voted to accept a settlement agreement with MLB Sub I, LLC (''MLB'') that required MLB to pay a civil money penalty in the amount of $13,500. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: MLB (a) failed to timely submit audited annual financial statements for fiscal year 2016; (b) failed to maintain the minimum required liquid assets during fiscal years 2016 and 2017; and (c) failed to timely notify HUD/FHA of a liquid asset deficiency.

25. MLD Mortgage, Inc. d/b/a The Money Store, Florham Park, NJ [Docket No. 17–2007–MR]

Action: On October 31, 2018, the Board voted to accept a settlement agreement with MLD Mortgage, Inc. (''MLD'') that required MLD to pay a civil money penalty in the amount of $8,500. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: MLD violated the underwriting guidelines for an FHA-insured mortgage by failing (a) to document that the mortgagor had an acceptable payment history for eligibility on the cash-out refinance transaction; and (b) to obtain the payoff statement for the cash-out refinance.

26. Mortgage Suppliers, Inc., Winchester, KY [Docket No. 17–2014–MR]

Action: On October 31, 2018, the Board voted to accept the terms of a settlement agreement with Mortgage Suppliers, Inc. (''Mortgage Suppliers'') that required Mortgage Suppliers to pay a civil money penalty in the amount of $13,968. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: Mortgage Suppliers (a) failed to timely notify HUD/FHA of a state sanction; and (b) submitted a false annual certification to HUD/FHA.

27. Nationstar Mortgage, LLC, Irving, TX [Docket No. 16–1682–MR]

Action: On December 11, 2018, the Board voted to accept a settlement agreement with Nationstar Mortgage, LLC (''Nationstar'') that required Nationstar to pay a civil money penalty in the amount of $2,000,000. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Nationstar (a) had employed an ineligible manager; (b) failed to timely notify HUD of a state sanction; and (3) failed to timely remit monthly mortgage insurance premiums on numerous occasions from October 2014 through January 2017.

28. Navy Federal Credit Union, Vienna, VA [Docket No. 17–1834–MR]

Action: On March 20, 2019, the Board voted to accept the terms of a settlement agreement with Navy Federal Credit Union (''Navy Federal'') that required Navy Federal to pay an administrative payment in the amount of $500,000 and to refrain from making any claim for insurance benefits and/or indemnify HUD/FHA for the life of the loan for all losses associated with six FHA-insured loans. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Navy Federal failed to follow HUD requirements relating to its FHA quality control plan; failed to perform loss mitigation in accordance with HUD requirements within its FHA servicing portfolio; and failed to perform its reporting obligations to HUD's Single Family Default Monitoring System.

29. Newcastle Home Loans, LLC, Chicago, IL [Docket No. 17–2020–MR]

Action: On June 26, 2019 the Board voted to accept the terms of a settlement agreement with Newcastle Home Loans, L.L.C. (''Newcastle'') that required Newcastle to pay a civil money penalty in the amount of $4,500. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Newcastle failed to file the quarterly financial statements required when operating losses exceed 20 percent of adjusted net worth.

30. Pacific Horizon Bancorp, Inc., La Crescenta, CA [Docket No. 19–0023–PF]

Action: On June 26, 2019 the Board voted to accept a proposed settlement agreement with Pacific Horizon Bancorp (''Pacific Horizon'') that required Pacific Horizon to pay HUD $325,000. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD pursuant to the Program Fraud Civil Remedies Act (''PFCRA'') against Pacific Horizon and former loan officer James Lee and underwriter Vicki Wong: For causing false claims to be submitted to HUD in connection with underwriting violations and falsified income found in four FHA loans that closed between 2005 and 2008. HUD had sought civil penalties and assessments in the amounts of $371,910.54 against Pacific Horizon, $559,662.98 jointly and severally against Lee and Pacific Horizon, and a further $17,000 against all Respondents.

31. Pinnacle Lending Group, Inc., Las Vegas, NV [Docket No. 18–1808–MR]

Action: On October 31, 2018 the Board voted to accept a settlement agreement with Pinnacle Lending Group, Inc (''Pinnacle'') that required Pinnacle to pay a civil money penalty in the amount of $26,623, for its owners to provide a capital contribution to Pinnacle in the amount of $26,623 and submit five consecutive monthly unaudited financial statements demonstrating that Pinnacle met HUD/FHA's minimum adjusted net worth. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD. Pinnacle (a) failed to notify HUD/FHA of an unresolved finding when applying for HUD/FHA approval; (b) failed to timely notify HUD/FHA of a state sanctions; and (c) submitted a false certification to HUD/FHA.

32. Quicken Loans Inc., Detroit, MI [Docket No. 16–cv–1405]

Action: On May 31, 2019 the Board voted to approve the proposed resolution and release Quicken Loans Inc. from civil money penalties and administrative actions in connection

with the resolution of *United States* v. *Quicken Loans Inc.*

Cause: The Board took this action as part of a resolution of *United States* v. *Quicken Loans Inc.* and related disputes.

33. ReNew Lending, Inc. Reno, NV [Docket No. 17–1883–MRT]

Action: On June 26, 2019 the Board voted to accept a settlement agreement with ReNew Lending, Inc. (''ReNew'') that required ReNew to pay a civil money penalty in the amount of $4,500. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action in recognition of mitigating factors, and based on the following violations of HUD/FHA requirements alleged by HUD: ReNew (a) failed to timely submit acceptable audited financial statements for fiscal year ending 2016; (b) failed to pay the annual recertification fee for the fiscal year ending in 2016; and (c) failed to timely notify HUD/FHA of a state sanction.

34. ResMac, Inc., Boca Raton, FL [Docket Nos. 18–1944–MR and 19–2004–MRT]

Action: On September 19, 2019 the Board voted to accept a settlement agreement with ResMac Inc. (''ResMac'') that required ResMac to pay a civil money penalty in the amount of $22,075. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: ResMac (a) violated HUD's requirements by failing to timely remit periodic monthly mortgage insurance premiums due to HUD/FHA for billing periods up to and including December 2017 for three FHA-insured mortgages for a total of 60 payments missed; (b) failed to complete the required annual certification requirements for the fiscal year ended 2017; (c) failed to notify HUD of a change in ownership; and (d) failed to meet minimum adjusted net worth and minimum liquid asset requirements.

35. Reverse Mortgage Solutions, Inc., Houston, TX [Docket No. 18–1817–MR]

Action: On December 11, 2018 the Board voted to accept the terms of a settlement agreement with Reverse Mortgage Solutions, Inc. (''Reverse'') that required Reverse to pay a civil money penalty in the amount of $4,500. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: Reverse failed to file quarterly financial statements required when operating losses exceed 20 percent of adjusted net worth.

36. Seckel Capital, LLC Newtown, PA [Docket No. 19–008–CSF]

Action: On August 8, 2019, the Board voted to accept a settlement agreement with Seckel Capital (''Seckel'') that requires Seckel to pay an amount of $120,000. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Seckel Capital (a) submitted fraudulent audited financial statements for fiscal years ended December 31, 2012; December 31, 2013; December 31, 2014; and December 31, 2015; (b) submitted false certifications to HUD/FHA for fiscal years ended December 31, 2013; December 31, 2014; and December 31, 2015; and (c) submitted 607 FHA loans for insurance that were not eligible for FHA insurance.

37. Sierra Pacific Mortgage Company, Inc., Folsom, CA [Docket No. 18–1817]

Action: On December 20, 2018 the Board voted to accept a settlement agreement with Sierra Pacific Mortgage Company, Inc. (''Sierra Pacific'') that required Sierra Pacific to pay an amount of $3,669,095, of which $1,924,406 was identified as restitution. The settlement did not constitute an admission of liability or wrongdoing.

Cause: The Board took this action based on the allegations that Sierra Pacific violated HUD/FHA requirements by knowingly causing to be submitted false claims to payment to the FHA loan insurance program by, in part, failing to ensure that the loans qualified for FHA insurance when originated.

38. Skyline Financial Corporation, Calabasas, CA [Docket No. 19–1936–MR]

Action: On September 19, 2019 the Board voted to issue a Notice of Administrative Action through which it involuntarily withdrew for one-year the FHA approval of Skyline Financial Corporation (''Skyline Financial'').

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Skyline Financial failed to (a) maintain the minimum adjusted net worth during fiscal year ended December 31, 2017; and (b) timely notify HUD/FHA of its net worth deficiency.

39. SN Servicing Corporation, Baton Rouge, LA [Docket No. 17–2021–MR]

Action: On December 11, 2018 the Board voted to accept a settlement agreement with SN Servicing Corporation (''SN'') that required SN to pay a civil money penalty in the amount of $46,714. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: SN (a) failed to maintain the minimum required adjusted net worth for fiscal year ended December 31, 2017; (b) failed to timely notify HUD/FHA of its net worth deficiency; (c) failed to maintain the minimum required liquid assets during fiscal year ended December 31, 2016; (d) failed to timely notify HUD/FHA of a liquid asset deficiency; (e) failed to timely notify HUD/FHA of operating losses exceeding twenty percent of its adjusted net worth during fiscal year ended December 31, 2016; (f) failed to file quarterly financial statements as required following an operating loss exceeding twenty percent of its adjusted net worth; and (g) submitted a false certification to HUD/FHA.

40. Southern Fidelity Mortgage LLC, Las Vegas, NV [Docket No. 17–2031–MR]

Action: On June 26, 2019 the Board voted to accept the terms of a settlement agreement with Southern Fidelity Mortgage, LLC (''Southern Fidelity'') that required Southern Fidelity to pay a civil money penalty in the amount of $13,968. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Southern Fidelity (a) failed to maintain the minimum required adjusted net worth for fiscal year ended 2016; (b) failed to timely notify HUD/FHA of its net worth deficiency; and (c) submitted a false certification to HUD/FHA.

41. Spirit Bank, Tulsa, OK [Docket No.19–1922–MRT]

Action: On June 26, 2019 the Board voted to accept a settlement agreement with Spirit Bank (''Spirit Bank'') that required Spirit Bank to pay a civil money penalty in the amount of $14,123. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by

HUD: Spirit Bank failed to (a) timely submit its required annual recertification for fiscal year ended 2017; (b) timely remit the recertification fee for fiscal year ended 2017; (c) submit timely an acceptable financial statement for fiscal year 2017; (d) timely notify HUD/FHA of an operating loss exceeding 20 percent of its adjusted net worth in a quarter; and (e) failed to file the quarterly financial statements required when operating losses exceed 20 percent of adjusted net worth in a quarter.

42. State Bank, Fenton, MI [Docket No. 17–2013–MR]

Action: On December 11, 2018 the Board voted to accept a settlement agreement with State Bank (''State'') that required State to pay a civil money penalty in the amount of $9,000. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: State (a) failed to timely notify HUD within ten business days of a merger; and (b) submitted a false certification to HUD/FHA.

43. Stearns Bank, N.A. Saint Cloud, MN [Docket No.: 18–1819–MR]

Action: On October 31, 2018 the Board voted to accept a settlement agreement with Stearns Bank, N.A (''Stearns Bank'') that required Stearns Bank to pay a civil money penalty in the amount of $13,968. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Stearns Bank (a) failed to timely notify HUD/FHA of a sanction; and (b) submitted a false certification to HUD/FHA.

44. Sun West Mortgage Company, Buena Park, CA [Docket No.: 17–1835–MR]

Action: On September 19, 2019 the Board voted to accept the terms of a settlement agreement with Sun West Mortgage Company (''Sun West'') that required Sun West to pay a civil money penalty in the amount of $149,400, reimburse HUD/FHA in the amount of $83,721.33 for losses HUD/FHA incurred on two FHA-insured loans, and refrain from making any claim for insurance benefits and/or indemnify HUD/FHA for the life of the loan for all losses associated with two FHA-insured loans. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on violations of HUD/FHA requirements alleged by HUD including the following: Sun West (a) failed to verify occupancy or perform the property inspections required by HUD/FHA with respect to 14 loans on 22 separate occasions; (b) failed to provide loss mitigation information to a mortgagor's bankruptcy counsel or bankruptcy trustee; (c) failed to evaluate loans for all loss mitigation options and document that all loss mitigation servicing requirements were followed; (d) approved a borrower for a pre-foreclosure sale without completing the required financial analysis; (e) failed to independently verify a borrower's income before entering into forbearance plans; (f) entered into a Special Forbearance-Unemployment Agreement that included incorrect terms and failed to include all elements required by HUD/FHA; (g) improperly charged borrowers inspection fees for property inspections not required by HUD/FHA; (h) failed to report or accurately report in SFDMS the occupancy status, default status, and default reason; (i) failed to implement a quality control plan in compliance with HUD/FHA requirements; (j) failed to timely remit up front mortgage insurance premiums; (k) failed to timely notify HUD/FHA of a September 30, 2016 state sanction; and (l) failed to timely notify HUD/FHA of a October 11, 2016 sanction.

45. The Home Loan Expert, L.LC., Saint Louis, MO [Docket No. 18–1809–MR]

Action: On October 31, 2018, the Board voted to accept a settlement agreement with The Home Loan Expert, LLC that required The Home Loan Expert to pay a civil money penalty in the amount of $37,872. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: The Home Loan Expert (a) failed to maintain the minimum adjusted net worth during fiscal year ended December 31, 2016; (b) submitted a false certification to HUD/FHA; (c) failed to report operating losses exceeding 20 percent of its adjusted net worth; and (d) failed to maintain the minimum adjusted net worth during fiscal year ended December 31, 2017.

46. Universal Mortgage and Finance, Inc., Edgewater, MD [Docket No. 19–2011–MR]

Action: On September 19, 2019, the Board voted to accept the terms of a settlement agreement with Universal Mortgage and Finance, Inc. (''Universal'') that required Universal to pay a civil money penalty in the amount of $4,500. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Universal failed to (a) maintain the minimum required adjusted net worth; and (b) failed to timely notify HUD/FHA of its net worth deficiency.

47. Western Express Lending, Irvine, Ca. [Docket No. 18–1815–MR]

Action: On March 20, 2019, the Board voted to accept a settlement agreement with Western Express Lending (''Western Express'') that required Western Express to pay a civil money penalty in the amount of $23,904. The settlement did not constitute an admission of liability or fault.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Western Express (a) failed to maintain the minimum required adjusted net worth in its fiscal year ended December 31, 2016; (b) failed to timely notify HUD/FHA of its net worth deficiency; and (c) submitted a false certification to HUD/FHA.

II. Lenders That Failed To Timely Meet Requirements for Annual Recertification of HUD/FHA Approval But Came Into Compliance

Action: The Board entered into settlement agreements with the following lenders, which required the lender to pay a civil money penalty without admitting fault or liability.

Cause: The Board took these actions based upon allegations that the listed lenders failed to comply with HUD's annual recertification requirements in a timely manner.

1. Bedford Lending Corp, Bedford, NH ($9,623) [Docket No. 18–1864–MRT]
2. Cabo Rojo Coop, Cabo Rojo, PR ($4,500) [Docket No. 19–1981–MRT]
3. Citizens First Wholesale Mortgage Company, The Villages, FL ($4,500) [Docket No. 18–1921–MRT]
4. Consumers National Bank, Minerva, OH ($9,468) [Docket No. 17–1716 MRT]
5. Corum Financial Services, Inc., Ontario, CA ($4,500) [Docket No. 18–1877–MRT]
6. Fidelity Bank, Wichita, KS ($4,500) [Docket No. 18–1850–MRT]
7. Florida Parishes Bank, Hammond, LA ($4,500) [Docket No. 18–1915–MRT]
8. Global Bank, New York, NY ($4,500) [Docket No. 19–1970–MRT]
9. Gold Coast Bank, Chicago, IL ($4,500) [Docket No. 19–1962–MRT]

10. Great Lakes Credit Union, Sylvania, OH ($4,500) [Docket No. 18–1885–MRT]
11. Highlands Union Bank, Abingdon, VA ($4,500) [Docket No. 18–1914–MRT]
12. Mainstreet Bank, Fairfax, VA ($4,500) [Docket No. 18–1883–MRT]
13. Mutual Federal Bank, Chicago, IL ($4,500) [Docket No. 19–1965–MRT]
14. Quontic Bank FSB, Astoria, NY ($4,500) [Docket No. 19–1968–MRT]
15. Sentinel Federal Credit Union, Rapid City, SD ($4,500) [Docket No. 18–1867–MRT]
16. Signal Financial Federal Credit Union, Kensington, MD ($9,623) [Docket No. 19–1976–MRT]
17. WNB Financial, N.A. d/b/a Winona National Bank, Winona, MN ($9,623) [Docket No. 18–1904–MRT]

III. Lenders That Failed To Meet Requirements for Annual Recertification of HUD/FHA Approval

Action: The Board voted to withdraw the FHA approval of each of the lenders listed below for a period of one (1) year.

Cause: The Board took this action based upon allegations that the lenders listed below were not in compliance with HUD's annual recertification requirements.

1. 1st Reliant Home Loans, Inc., Costa Mesa, CA [Docket No. 17–1981–MRT]
2. AAKO, Inc., Bensalem, PA [Docket No. 20–2048–MRT]
3. ADK Bancorp, Inc., Westminster, CA [Docket No. 18–1822–MR]
4. All Home Lending, Inc., Orange, CA [Docket No. 20–2049–MRT]
5. Alliance Financial Resources, LLC, Scottsdale, AZ [Docket No. 20–2050–MRT]
6. American Equity Mortgage, Inc., Saint Louis, MO [Docket No. 18–1920–MRT]
7. American Housing Capital, LLC, Vienna, VA [Docket No. 20–2051–MRT]
8. Approved Funding Corporation, Brooklyn, NY [Docket No. 17–2002–MRT]
9. CalAtlantic Mortgage, Inc., Scottsdale, AZ [Docket No. 20–2052–MRT]
10. Cambridge Mortgage Group L.L.C., Weymouth, MA [Docket No. 18–1861–MRT]
11. Catalyst Lending, Inc., Greenwood Village, CO [Docket No. 18–1903–MRT]
12. Chicago Mortgage Solutions Corporation, Lincolnshire, IL [Docket No. 20–2053–MRT]
13. CityLights Financial Express, Inc., Agoura Hills, CA [Docket No. 20–2054–MRT]
14. Columbus First Bank, Worthington, OH [Docket No. 19–1975–MRT]
15. Directors Financial Group, Costa Mesa, CA [Docket No. 17–1913–MRT]
16. EMC Holdings, L.L.C., Greenwood Village, CO [Docket No. 18–1910–MRT]
17. First California Mortgage Company, Petaluma, CA [Docket No. 20–2055–MRT]
18. First Mortgage Company, LLC, Oklahoma City, OK [Docket No. 18–1909–MRT]
19. First South Bank, Jackson, TN [Docket No. 18–1928–MRT]
20. First Utah Bank, Sandy, UT [Docket No 20–2056–MRT]
21. Gateway Bank Mortgage, Inc., Raleigh, NC [Docket No. 17–1919–MRT]
22. Georgetown Bank, Georgetown, MA [Docket No. 20–2057–MRT]
23. Hartford Financial Services, Schaumburg, IL [Docket No. 20–2058–MRT]
24. Heartland Credit Union, Hutchinson, KS [Docket No. 18–1866–MRT]
25. Hello Mortgage, Inc., Austin, TX [Docket No. 20–2059–MRT]
26. Home Mortgage Corporation, Atlanta, GA [Docket No. 20–2060–MRT]
27. Hometown Bank of the Hudson Valley, Walden, NY [Docket No. 16–1799–MRT]
28. Krkabob Incorporated d/b/a Argus Lending Pleasant Hill, CA [Docket No. 16–1728–MRT]
29. Landmark Mortgage, LLC, Dallas, TX [Docket No. 18–1926–MRT]
30. Lenda, Inc., San Francisco, CA [Docket No. 18–1895–MRT]
31. Liberty Mortgage Company, Columbus, OH [Docket No. 20–2061–MRT]
32. Morton Community Bank, Morton, IL [Docket No. 19–2003–MRT]
33. Peoples State Bank, Lake City, FL [Docket No. 19–1958–MRT]
34. Peoples State Bank of Commerce, Nolensville, TN [Docket No. 18–1900 MRT]
35. Prime Source Mortgage Inc., Murietta, CA [Docket No. 17–2000–MR]
36. Richland State Bank, Rayville, LA [Docket No. 19–1973–MRT]
37. Rubicon Financial Advisors, L.L.C. Minnetonka, MN [Docket No. 20–2062–MRT]
38. Sagamore Home Mortgage, LLC, Indianapolis, IN [Docket No. 18–1805–MRT]
39. Sindeo Inc, San Francisco, CA [Docket No. 18–1825–MRT]
40. Soy Capital Bank and Trust Co, Decatur, IL [Docket No. 19–1983–MRT]
41. The Mortgage Company, Inc., West Fargo, ND [Docket No. 18–1907–MRT]
42. Wholesale Capital Corporation, Moreno Valley, CA [Docket No. 20–2063–MRT]

The Assistant Secretary for Housing—Federal Housing Commissioner, Chairman, Mortgagee Review Board, Brian D. Montgomery, 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: April 7, 2020.

Aaron Santa Anna,

Federal Register Liaison, U.S. Department of Housing and Urban Development.

[FR Doc. 2020–07640 Filed 4–10–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2020–N026; FXES11140800000–201–FF08ECAR00]

Receipt of Application for Renewal of Incidental Take Permit; Low-Effect Habitat Conservation Plan for the Endangered Arroyo Toad, San Diego County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit renewal application; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from Pauma Estates, Inc., for renewal of an incidental take permit pursuant to the Endangered Species Act. The applicant has requested a renewal that will extend permit authorization by 5 years from the date the permit is reissued. If the permit is renewed, no additional take above the original authorized limit of 10.74 acres of habitat will be authorized. The permit would authorize take of the federally endangered arroyo toad, incidental to otherwise lawful activities associated with the low-effect habitat conservation plan (HCP) for Pauma Estates in San Diego County, California. We invite the public and local, State, Tribal, and Federal agencies to comment on the application, which includes the applicant's proposed HCP and the Service's preliminary determination that this HCP qualifies as ''low-effect,'' categorically excluded, under the National Environmental Policy Act. To make this determination, we used our environmental action statement and

low-effect screening form, both of which are also available for public review.

DATES: We must receive your written comments on or before May 28, 2020.

ADDRESSES: *Obtaining Documents:* You may obtain copies of the documents by the following methods:

- *Internet: https://www.fws.gov/carlsbad/HCPs/HCP_Docs.html.*
- *Telephone:* 760–431–9440.
- *U.S. Mail:* Field Supervisor, Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.

Submitting Comments: You may submit comments by one of the following methods. Please include ''Pauma Estates, Inc.'' at the beginning of your comments.

- *U.S. Mail:* Carlsbad Fish and Wildlife Office (address above).
- *Email: fw8cfwocomments@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. David A. Zoutendyk, Acting Assistant Field Supervisor, Carlsbad Fish and Wildlife Office, 760–431–9440. If you use a telecommunications device for the deaf (TDD), please call the Federal Relay Service (FRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), have received an application from Pauma Estates, Inc. (applicant), to renew incidental take permit TE63657B–0 under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant has requested a renewal that would extend the permit authorization by 5 years from the date the permit is reissued. The existing permit is valid from April 20, 2015, to April 20, 2020. The applicant has agreed to follow all of the existing habitat conservation plan (HCP) conditions. If the permit is renewed, no additional take above the original authorized limit of 10.74 acres of habitat will be authorized. The permit would authorize take of the federally endangered arroyo toad (*Anaxyrus californicus*), incidental to otherwise lawful activities associated with the low-effect HCP for Pauma Estates.

We invite the public and local, State, Tribal, and Federal agencies to comment on the application, which includes the applicant's proposed HCP and the Service's preliminary determination that this HCP qualifies as ''low-effect,'' categorically excluded, under the National Environmental Policy Act. To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review.

Background

The arroyo toad was listed by the Service as endangered on December 16, 1994 (59 FR 64859). Section 9 of the ESA and its implementing Federal regulations prohibit the ''take'' of animal species listed as endangered or threatened. ''Take'' is defined under the ESA as to ''harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect [listed animal species], or to attempt to engage in such conduct'' (16 U.S.C. 1538). ''Harm'' includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, such as breeding, feeding, or sheltering (50 CFR 17.3). However, under section 10(a) of the ESA, the Service may issue permits to authorize incidental take of listed species. ''Incidental taking'' is defined by the ESA implementing regulations as taking that is incidental to, and not the purpose of, carrying out an otherwise lawful activity (50 CFR 17.3). Regulations governing incidental take permits for endangered and threatened species, respectively, are found in the Code of Federal Regulations at 50 CFR 17.22 and 50 CFR 17.32. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plan species. All species included in the incidental take permit would receive assurances under our ''No Surprises'' regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

The applicant has applied for the renewal of their permit for incidental take for the endangered arroyo toad. The potential taking would occur by activities associated with the construction of a residential development (as defined in the HCP) in an area that supports suitable habitat for the covered species. The project is located on an approximately 26-acre property in the Pauma Valley area of unincorporated San Diego County, California. An incidental take permit was first issued for the HCP on April 20, 2015, and will expire on April 20, 2020.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*).

Scott Sobiech,

Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California.

[FR Doc. 2020–07688 Filed 4–10–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2020–N027; FXES11140800000–201–FF08ECAR00]

Receipt of Application for Renewal of the Incidental Take Permit; Low-Effect Habitat Conservation Plan for the Endangered San Diego Fairy Shrimp, San Diego County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit renewal application; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from Main 16, LP for the renewal of an incidental take permit pursuant to the Endangered Species Act. The applicant has requested a renewal that will extend permit authorization by 5 years from the date the permit is reissued. If renewed, no additional take above the original authorized limit of four basins (0.01 acre of ponded area) of habitat will be authorized. The permit would authorize take of the federally endangered San Diego fairy shrimp, incidental to otherwise lawful activities associated with the low-effect habitat conservation plan for the Main 16, Limited Partnership Project. We invite the public and local, State, Tribal, and Federal agencies to comment on the application, which includes the applicant's proposed HCP and the Service's preliminary determination that this HCP qualifies as ''low-effect,'' categorically excluded, under the National Environmental Policy Act. To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review.

DATES: We must receive your written comments on or before May 28, 2020.

ADDRESSES: *Obtaining Documents:* You may obtain copies of the documents by the following methods:

- *Internet: https://www.fws.gov/carlsbad/HCPs/HCP_Docs.html.*
- *Telephone:* 760–431–9440.
- *U.S. Mail:* Field Supervisor, Carlsbad Fish and Wildlife Office, U.S.

Fish and Wildlife Service, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.

Submitting Comments: You may submit comments by one of the following methods. Please include ''Main 16, LP'' at the beginning of your comments.

- *U.S. Mail:* Carlsbad Fish and Wildlife Office (address above).
- *Email: fw8cfwocomments@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. David A. Zoutendyk, Acting Assistant Field Supervisor, Carlsbad Fish and Wildlife Office, 760–431–9440. If you use a telecommunications device for the deaf (TDD), please call the Federal Relay Service (FRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), have received an application from Main 16, Limited Partnership (applicant) to renew incidental take permit TE74483B–0 under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant has requested a renewal that would extend permit authorization by 5 years from the date the permit is reissued. The existing permit is valid from August 26, 2015, to August 26, 2020. The applicant has agreed to follow all of the existing habitat conservation plan (HCP) conditions. If the permit is renewed, no additional take above the original authorized limit of four basins (0.01 acre of ponded area) of habitat will be authorized. The permit would authorize take of the federally endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*), incidental to otherwise lawful activities associated with the low-effect HCP for the Main 16, Limited Partnership Project.

We invite the public and local, State, Tribal, and Federal agencies to comment on the application, which includes the applicant's proposed HCP and the Service's preliminary determination that this HCP qualifies as ''low-effect,'' categorically excluded, under the National Environmental Policy Act. To make this determination, we used our environmental action statement and low-effect screening form, both of which are also available for public review.

Background

The San Diego fairy shrimp was listed by the Service as endangered on February 3, 1997 (62 FR 4925). Section 9 of the ESA and its implementing Federal regulations prohibit the take of animal species listed as endangered or threatened. ''Take'' is defined under the ESA as to ''harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect [listed animal species], or to attempt to engage in such conduct'' (16 U.S.C. 1538). ''Harm'' includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, such as breeding, feeding, or sheltering (50 CFR 17.3). However, under section 10(a) of the ESA, the Service may issue permits to authorize incidental take of listed species. ''Incidental taking'' is defined by the ESA implementing regulations as taking that is incidental to, and not the purpose of, carrying out an otherwise lawful activity (50 CFR 17.3). Regulations governing incidental take permits for endangered and threatened species, respectively, are found in the Code of Federal Regulations at 50 CFR 17.22 and 50 CFR 17.32. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plan species. All species included in the incidental take permit would receive assurances under our ''No Surprises'' regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

The applicant has applied for the renewal of their permit for incidental take of the endangered San Diego fairy shrimp. The potential taking would occur by activities associated with the construction of a commercial development (as defined in the HCP) in an area that supports suitable habitat for the covered species. The project is located on a 2.5-acre property on Main Street in the Ramona area of unincorporated San Diego County, California. The applicant purchased two vernal pool/basin with fairy shrimp conservation credits (*i.e.,* 0.2 acre of vernal pool basin and 1.8 acres of associated watershed) at the Ramona Grasslands Conservation Bank as specified in the project's conservation measures. An incidental take permit was first issued for the HCP on August 26, 2015.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*).

Scott Sobiech,

Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California.

[FR Doc. 2020–07691 Filed 4–10–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2020–0020; FXIA16710900000–201–FF09A30000]

Foreign Endangered Species; Marine Mammals; Receipt of Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA) and foreign or native species for which the Service has jurisdiction under the Marine Mammal Protection Act (MMPA). With some exceptions, the ESA and the MMPA prohibit activities with listed species unless Federal authorization is issued that allows such activities. The ESA and MMPA also require that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA or MMPA with respect to any endangered species or marine mammals.

DATES: We must receive comments by May 13, 2020.

ADDRESSES: *Obtaining Documents:* The applications, application supporting materials, and any comments and other materials that we receive will be available for public inspection at *http://www.regulations.gov* in Docket No. FWS–HQ–IA–2020–0020.

Submitting Comments: When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet: http://www.regulations.gov.* Search for and submit comments on Docket No. FWS–HQ–IA–2020–0020.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2020–0020; U.S. Fish and Wildlife Service Headquarters, MS:

PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.
For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Monica Thomas, by phone at 703–358–2185, via email at *DMAFR@fws.gov,* or via the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or fax, or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments at *http://www.regulations.gov,* unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at *http://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and section 104(c) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA and MMPA prohibit certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17. Service regulations regarding permits for any activity otherwise prohibited by the MMPA with respect to any marine mammals are available in title 50 of the Code of Federal Regulations in part 18. Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the marine mammal applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

III. Permit Applications

We invite comments on the following applications.

A. Endangered Species

Applicant: Patty Parker c/o Saint Louis Zoo, St. Louis, MO; Permit No. 45594D

The applicant requests authorization to import biological samples derived from wild Galapagos penguins (*Spheniscus mendiculus*) taken in the Galapagos, for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Kristin Brzeski, Houghton, MI; Permit No. 51283D

The applicant requests a permit to export to Canada biological samples taken from gray wolves (*Canis lupus*) in the wild for the purpose of scientific research. This notification is for a single export.

Applicant: John Ball Zoo, Grand Rapids, MI; Permit No. 54616D

The applicant requests a permit to import a male captive-born snow leopard (*Uncia uncia*) from the Toronto Zoo, Toronto, Canada, for the purpose of enhancing the propagation or survival of the species. This notification is for a single import.

Applicant: Dylan T. Carr, Garberville, CA; Permit No. 62721D

The applicant requests a permit to import a sport-hunted trophy of a male scimitar-horned oryx (*Oryx dammah*) culled from a captive herd maintained in Mexico, to enhance the species' propagation and survival. This notification is for a single import.

Applicant: Center for the Conservation of Tropical Ungulates, LLC., Punta Gorda, FL; Permit No. 59204D

The applicant requests a permit to export two male and three female captive-born lowland tapirs (*Tapirus terrestris*) to the Darling Downs Zoo, Pilton, Australia, for the purpose of enhancing the propagation or survival of the species. This notification is for a single export.

Applicant: Rockin' S Exotic Game Ranch, San Angelo, TX; Permit No. 50118D

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for Arabian oryx (*Oryx leucoryx*) and Eld's deer (*Rucervus eldii*) to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Dallas Zoo Management, dba Dallas Zoo, Dallas, TX; Permit No. 56427D

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species: Cheetah (*Acinonyx jubatus*), Tomistoma (*Tomistoma schlegelii*), and Komodo dragon (*Varanus komodoensis*). This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Western Foundation of Vertebrate Zoology, Camarillo, CA; Permit No. 695190

The applicant requests authorization to export and reimport nonliving museum specimens of endangered species previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: The Academy of Natural Sciences of Philadelphia, Philadelphia, PA; Permit No. 67714D

The applicant requests authorization to export and reimport nonliving museum specimens of endangered species previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Kyle Wildlife Limited Partnership, Bandera, TX; Permit No. 52973D

The applicant requests a permit authorizing the culling of excess swamp deer (*Cervus duvauceli*) from the captive herd maintained at their facility, to enhance the species' propagation and survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Rockin' S Exotic Game Ranch, San Angelo, TX; Permit No. 50097D

The applicant requests a permit authorizing the culling of excess Arabian oryx (*Oryx leucoryx*) and Eld's deer (*Rucervus eldii*) from the captive herd maintained at their facility, to enhance the species' propagation and survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Gary C. Ball, Indianapolis, IN; Permit No. 66461D

The applicant requests a permit to import one sport-hunted trophy of a male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species.

B. Endangered Marine Mammals and Marine Mammals

Applicant: Seward Association for the Advancement of Marine Science dba Alaska Sealife Center, Seward, AK; Permit No. 73634A

The applicant requests a renewal of their permit for public display of the non-depleted population of northern sea otters (*Enhydra lutris kenyoni*) that have been rescued, rehabilitated, and deemed non-releasable by the U.S. Fish and Wildlife Service. This notification covers activities to be conducted by the applicant over a 5-year period.

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching *http://www.regulations.gov* for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to regulations.gov and search for ''12345A''.

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations, and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and its implementing regulations.

Monica Thomas,

Management Analyst, Branch of Permits, Division of Management Authority.

[FR Doc. 2020–07638 Filed 4–10–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAK940000.L14100000.BX0000.20X. LXSS001L0100]

Filing of Plats of Survey: Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of lands described in this notice are scheduled to be officially filed in the Bureau of Land Management (BLM), Alaska State Office, Anchorage, Alaska. These surveys were executed at the request of Ahtna, Incorporated, the Bering Straits Native Corporation, Kootznoowoo, Incorporated and the BLM, are necessary for the management of these lands.

DATES: The BLM must receive protests by May 13, 2020.

ADDRESSES: You may buy a copy of the plats from the BLM Alaska Public Information Center, 222 W. 7th Avenue, Mailstop 13, Anchorage, AK 99513. Please use this address when filing written protests. You may also view the plats at the BLM Alaska Public Information Center, Fitzgerald Federal Building, 222 W. 8th Avenue, Anchorage, Alaska, at no cost.

FOR FURTHER INFORMATION CONTACT: Douglas N. Haywood, Chief, Branch of Cadastral Survey, Alaska State Office, Bureau of Land Management, 222 W. 7th Avenue, Anchorage, AK 99513; 907–271–5481; *dhaywood@blm.gov.* People who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the BLM 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. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are:

Fairbanks Meridian, Alaska

T. 17 S., R. 7 W., accepted March 20, 2020

Kateel River Meridian, Alaska

T. 20 S., R. 3 W., accepted March 18, 2020

U.S. Survey No. 14458, accepted March 28, 2020, situated within: Tps. 24, 25, and 26 S., R. 13 W., Tps. 23 and 24 S., R. 14 W.

Seward Meridian, Alaska

T. 34 N., R. 29 W., accepted March 20, 2020

U.S. Survey No. 9029, officially filed March 4, 1988, Correction of Survey Plat, dated March 17, 2020, situated within: T. 18 N., R. 4 W.

A person or party who wishes to protest one or more plats of survey identified above must file a written notice of protest with the State Director for the BLM in Alaska. The notice of protest must identify the plat(s) of survey that the person or party wishes to protest. You must file the notice of protest before the scheduled date of official filing for the plat(s) of survey being protested. The BLM will not consider any notice of protest filed after the scheduled date of official filing. A notice of protest is considered filed on the date it is received by the State Director for the BLM in Alaska during regular business hours; if received after regular business hours, a notice of protest will be considered filed the next business day. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the State Director for the BLM in Alaska within 30 calendar days after the notice of protest is filed.

If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be

stayed pending consideration of the protest. A plat of survey will not be officially filed until the dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personally identifiable information in a notice of protest or statement of reasons, you should be aware that the documents you submit, including your personally identifiable information, may be made publicly available in their entirety at any time. While you can ask the BLM to withhold your personally identifiable information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 U.S.C. Chap. 3)

Douglas N. Haywood,

Chief Cadastral Surveyor, Alaska.

[FR Doc. 2020–07687 Filed 4–10–20; 8:45 am]

BILLING CODE 4310–JA–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1089]

Certain Memory Modules and Components Thereof; Notice of the Commission's Final Determination Finding No Violation of Section 337; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found no violation of section 337 of the Tariff Act of 1930, as amended. The investigation is hereby terminated.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–5468. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 4, 2017, based on a complaint filed by Netlist, Inc. of Irvine, California (''Netlist''). 82 FR 57290–91. The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain memory modules and components thereof that infringe claims 16–22, 24, 25, 27, 29–35, 38, 43–45, 47, 48, 50, 52, and 58 of U.S. Patent No. 9,606,907 (''the '907 patent'') and claims 12–15, 17–25, 27, and 29 of U.S. Patent No. 9,535,623 (''the '623 patent''). *Id.* The Commission's notice of investigation named as respondents SK hynix Inc. of the Republic of Korea; SK hynix America Inc. of San Jose, California; and SK hynix memory solutions Inc. of San Jose, California (together, ''SK hynix''). *Id.* at 57291. The Office of Unfair Import Investigations (''OUII'') is also participating in this investigation. *Id.*

The Commission subsequently terminated the investigation with respect to claims 16–22, 24, 25, 27, 29–35, 38, 43–45, 47, 48, 50, 52, and 58 of the '907 patent and claims 12–15, 17–25, 27, and 29 of the '623 patent based on Netlist's partial withdrawal of its complaint. *See* Order. No. 12 (Mar. 19, 2018), *not reviewed,* Notice (Apr. 5, 2019); Order. No. 19 (Sept. 25, 2018), *not reviewed,* Notice (Oct. 15, 2018); Order. No. 27 (Dec. 6, 2018), *not reviewed,* Notice (Dec. 21, 2018). Accordingly, at the time of the Final ID, the remaining asserted claims were claims 1–8, 10, 12, 14, and 15 of the '907 patent and claims 1–5 and 7–11 of the '623 patent.

On October 19, 2019, the ID issued a final initial determination (''Final ID'') finding a violation of section 337 with respect to claims 6 and 12 of the '907 patent. Final ID at 164–65. The ID found that Netlist showed that SK hynix infringes claims 1–8, 10, 12, 14, and 15 of the '907 patent, but failed to show that SK hynix infringed any claim of the '623 patent. The ID also found that SK hynix showed that claims 1–5, 7, 8, 10, 14, and 15 of the '907 patent are invalid as obvious, but failed to show the invalidity of claims 6 and 12. Finally, the ID found that Netlist satisfied the domestic industry requirement with respect to the '907 patent, but did not satisfy the domestic industry requirement with respect to the '623 patent.

On January 31, 2020, the Commission determined to review the final ID in part. Specifically, the Commission determined to review the following issues: (1) The construction of the limitation ''receive'' in the asserted claims of the '907 patent, as well as related issues of infringement and invalidity; (2) the construction of the limitation ''produce first module control signals and second module control signals in response to the set of input address and control signals'' in the asserted claims of the '907 patent, as well as related issues of infringement and invalidity; (3) the domestic industry requirement with respect to both of the '623 and '907 patents; and (4) the findings with respect to both of the '623 and '907 patents regarding whether SK hynix showed that Netlist violated its obligations, if any, to offer a license on reasonable and non-discriminatory (RAND) terms. The Commission determined not to review any other findings presented in the Final ID, including the finding of no violation with respect to the '623 patent based on Netlist's failure to show infringement and the technical prong of the domestic industry requirement.

The Commission also sought briefing from the parties on four issues and on remedy, bonding and public interest. On February 14, 2020, Netlist, SK hynix, and OUII filed their initial submissions in response to the Commission's request for briefing. On February 24, 2020, Netlist, SK hynix, and OUII filed their reply submissions in response to the Commission's request for briefing. The Commission also received a submission from third-party Hewlett Packard Enterprise Company.

Having examined the record of this investigation, including the Final ID, the petitions, responses, and other submissions from the parties, the Commission has determined that Netlist has failed to show a violation of section 337. The Commission has determined to construe ''receive'' to occur when a signal or data reaches a circuit element's input, and, under that construction, finds that Netlist failed to satisfy that limitation for infringement and the technical prong of the domestic industry requirement for any asserted claim of the '907 patent. The Commission has also determined to construe the limitation ''produce first module control signals and second module control signals in response to the set of input address and control signals'' to require a response to at least one input address signal and at least one control signal, and, under that construction, finds that Netlist failed to satisfy that limitation for infringement and the technical prong of the domestic industry requirement for any asserted claim of the '907 patent. The Commission further finds that, regardless of the constructions for these limitations, Netlist failed to provide sufficient evidence on its domestic

industry products to satisfy the technical prong of the domestic industry requirement. Additionally, the Commission has determined to take no position on whether Netlist satisfied the economic prong of the domestic industry requirement for either the '907 or '623 patents. The Commission also affirms the Final ID's finding that SK hynix showed that claims 1–5, 7, 8, 10, 14, and 15 of the '907 patent are invalid as obvious. Finally, the Commission has determined to reverse the ALJ's findings that the '907 patent is essential to a JEDEC standard and that the JEDEC Patent Policy is unenforceable, has determined to affirm the ALJ's finding that the '623 patent is not shown to be essential to a JEDEC standard, and has determined to vacate all other finding relating to obligations to license on reasonable and nondiscrimatory terms.

Accordingly, the Commission finds no violation of section 337 based on Netlist's failure to establish infringement and the technical prong of the domestic industry requirement, and on SK hynix's showing that claims 1–5, 7, 8, 10, 14, and 15 of the '907 patent are invalid as obvious. The Commission's determinations are explained more fully in the accompanying Opinion. All other findings in the ID under review that are consistent with the Commission's determinations are affirmed. The investigation is hereby terminated.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.
Issued: April 7, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–07666 Filed 4–10–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1141]

Certain Cartridges for Electronic Nicotine Delivery Systems and Components Thereof; Notice of a Commission Determination To Issue Remedial Orders and Impose a Bond on Defaulting Respondents; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the ''Commission'') has determined to issue a limited exclusion order and cease and desist orders against the respondents found to be in default in this investigation, namely, DripTip Vapes LLC (''DripTips'') of Plantation, Florida; Shenzhen OVNS Technology Co., Ltd. (''OVNS'') of Guangdong, China; Shenzhen Haka Flavor Technology Co., Ltd. (''Haka'') of Guangdong, China; and Shenzhen OCIGA Technology Co., Ltd. (''OCIGA'') of Guangdong, China (collectively, ''the Defaulting Respondents''). The Commission has also determined to impose a bond equal to 281 percent of the entered value of the accused products imported during the period of Presidential review. The investigation is hereby terminated.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal telephone on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On December 27, 2018, the Commission instituted the present investigation based on a complaint filed by Juul Labs, Inc. (''Juul'' or ''Complainant'') of San Francisco, California. 83 FR 66746–747 (Dec. 27, 2018). The complaint alleges a violation of 19 U.S.C. 1337, as amended (''Section 337''), in the importation, sale for importation, and sale in the United States after importation of certain cartridges used in electronic nicotine delivery systems and components thereof that allegedly infringe one or more of the asserted claims of U.S. Patent Nos. 10,058,129; 10,104,915; 10,111,470; 10,117,465; and 10,117,466. *Id.* The complaint also alleges the existence of a domestic industry. *Id.* The notice of investigation named 23 respondents. *Id.* The Office of Unfair Import Investigations (''OUII'') was also named as a party. *Id.*

On May 3, 2019, the presiding administrative law judge (''ALJ'') found the Defaulting Respondents in default. Order No. 26 (May 3, 2019), *not rev'd,* Comm'n Notice (May 31, 2019). On September 9, 2019, Juul filed a Declaration Seeking Immediate Relief Against Defaulting Respondents. On September 19, 2019, OUII filed a response opposing Juul's declaration as premature and stating that any requested relief should be deferred until the end of the investigation.

The Commission terminated the investigation with respect to all of the other respondents through a series of settlement agreements and consent orders. Order No. 51 (Dec. 5, 2019), *not rev'd,* Comm'n Notice (Jan. 6, 2020); Order Nos. 46–50 (Nov. 18, 2019), *not rev'd,* Comm'n Notice (Dec. 16, 2019); Order No. 44 (Sept. 18, 2019), *not rev'd,* Comm'n Notice (Oct. 15, 2019); Order No. 34 (June 14, 2019), *not rev'd,* Comm'n Notice (July 10, 2019); Order No. 30 (May 15, 2019), *not rev'd,* Comm'n Notice (June 12, 2019); Order No. 25 (April 18, 2019), *not rev'd,* Comm'n Notice (May 15, 2019); Order Nos. 19–21 (Apr. 10, 2019), *not rev'd,* Comm'n Notice (May 7, 2019); Order Nos. 15, 16 (Mar. 12, 2019), *not rev'd,* Comm'n Notice (Mar. 26, 2019); Order Nos. 13, 14 (Feb. 28, 2019), *not rev'd,* Comm'n Notice (Mar. 26, 2019).

The Commission, in terminating the last active respondent from the investigation, also terminated the proceedings before the ALJ. Order No. 51 at 3 (Dec. 5, 2019), *not rev'd,* Comm'n Notice (Jan. 6, 2020). Accordingly, Juul renewed its request for relief against the Defaulting Respondents on December 12, 2019. The Commission, in the same notice that terminated the investigation with respect to the last remaining respondent, requested briefing on the issues of remedy, bonding, and the public interest. Comm'n Notice (Jan. 6, 2020). The Commission also found Juul's September 9, 2019, declaration to be moot. *Id.*

On January 13, 2020, both Juul and OUII filed statements on remedy, public interest, and bonding. On January 20, 2020, Juul filed a reply to OUII's initial submission. None of the Defaulting Respondents filed a response to either the Commission's original notice or the initial submissions filed by Juul or OUII.

Upon review of the parties' submissions, and in the absence of any response from the Defaulting Respondents, the Commission has determined to issue a limited exclusion order and cease and desist orders against the Defaulting Respondents. The Commission has further determined to set a bond equal to 281 percent of the entered value of the covered products. The investigation is hereby terminated.

The authority for the Commission's determination is contained in Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

While temporary remote operating procedures are in place in response to COVID–19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

By order of the Commission.

Issued: April 7, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–07641 Filed 4–10–20; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, INC.

Notice is hereby given that, on March 19, 2020, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), PXI Systems Alliance, Inc. (''PXI Systems'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Informtest, Zelenograd, Moscow, RUSSIA; TEVET, Greeneville, TN; and IC2 (Interdisciplinary Consulting Corp), Gainesville, FL, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open and PXI Systems intends to file additional written notifications disclosing all changes in membership.

On November 22, 2000, PXI Systems filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 8, 2001 (66 FR 13971).

The last notification was filed with the Department on December 30, 2019. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 27, 2020 (85 FR 4705).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2020–07670 Filed 4–10–20; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

[OMB Number 1124–0005]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Short Form to Registration Statement of Foreign Agents (NSD–6)

AGENCY: Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section (CES), National Security Division, U.S. Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), National Security Division (NSD), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. There were three official communications received by NSD reflecting comments and recommendations. One communication was signed by fourteen individuals. The FARA Unit staff responded to each communication, satisfactorily addressing each comment and recommendation.

DATES: Comments are encouraged and will be accepted for an additional 30 days until May 13, 2020.

FOR FURTHER INFORMATION CONTACT: 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: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—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 of a currently approved collection.

2. *The Title of the Form/Collection:* Short Form to Registration Statement (Foreign Agents).

3. *The agency form number:* Form NSD–6. The applicable component within the Department of Justice is the Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section, in the National Security Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Private Sector, Business or other for-profit. Other: Not-for-profit institutions, and individuals.

Abstract: This form contains Short Form to Registration Statement information used for registering foreign agents under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611 *et seq.,* (FARA).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Based on the projected increases in registrations from 2017 to 2020, an estimated 892 new individual foreign agents will complete Form NSD–6 (OMB 1124–0005). Based on sample testing, each respondent will need .23 hours to complete the form, which takes into consideration the improved e-File 4.0 webform features. The following factors were considered when creating the burden estimate: The estimated total

number of respondents, the intuitive online FARA e-File registration process, and the prior collection of the necessary data to accurately complete the filing. NSD estimates that all of the approximately 892 respondents will fully complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 205.16 annual burden hours. It is estimated that respondents will take .23 hours to complete the form. (892 respondents × .23 hours = 205.16 annual burden hours).

7. Beginning September 23, 2019, NSD completed its ongoing multi-year design review, testing, and requirements enhancement efforts under the FARA e-File 4.0 initiative to a level where it began to rollout initial capabilities for new registrants only. NSD continues to make progress in enhancing the functionality of FARA e-File and Form NSD–6.

If additional information is required contact: Melody D. Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 8, 2020.

Melody D. Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–07727 Filed 4–10–20; 8:45 am]

BILLING CODE 4410–PF–P

DEPARTMENT OF JUSTICE

[OMB Number 1124–0006]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Exhibit A to Registration Statement of Foreign Agents (NSD–3)

AGENCY: Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section (CES), National Security Division, U.S. Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), National Security Division (NSD), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. There were three official communications received by NSD reflecting comments and recommendations. One communication was signed by fourteen individuals. The FARA Unit staff responded to each communication, satisfactorily addressing each comment and recommendation.

DATES: Comments are encouraged and will be accepted for an additional 30 days until May 13, 2020.

FOR FURTHER INFORMATION CONTACT: 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: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—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 of a currently approved collection.

2. *The Title of the Form/Collection:* Exhibit A to Registration Statement (Foreign Agents).

3. *The agency form number:* Form NSD–3. The applicable component within the Department of Justice is the Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section, in the National Security Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Private Sector, Business or other for-profit. Other: Not-for-profit institutions, and individuals. Abstract: This form contains Exhibit A to Registration Statement information used for registering foreign agents under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611 *et seq.,* (FARA).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Based on the projected increases in registrations from 2017 to 2020, an estimated 296 new registrants will complete Form NSD–3 (OMB 1124–0006). Based on sample testing, each respondent will need .22 hours to complete the form, which takes into consideration the improved e-File 4.0 webform features. The following factors were considered when creating the burden estimate: The estimated total number of respondents, the intuitive online FARA e-File registration process, and the prior collection of the necessary data to accurately complete the filing. NSD estimates that all of the approximately 296 respondents will fully complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 65.12 annual burden hours. It is estimated that respondents will take .22 hours to complete the form. (296 respondents × .22 hours = 65.12 annual burden hours).

7. Beginning September 23, 2019, NSD completed its ongoing multi-year design review, testing, and requirements enhancement efforts under the FARA e-File 4.0 initiative to a level where it began to rollout initial capabilities for new registrants only. NSD continues to make progress in enhancing the functionality of FARA e-File and Form NSD–3.

If additional information is required contact: Melody D. Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 8, 2020.

Melody D. Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–07728 Filed 4–10–20; 8:45 am]

BILLING CODE 4410–PF–P

DEPARTMENT OF JUSTICE

[OMB Number 1124–0001]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection Registration Statement of Foreign Agents (NSD–1)

AGENCY: Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section (CES), National Security Division, U.S. Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), National Security Division (NSD), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. There were three official communications received by NSD reflecting comments and recommendations. One communication was signed by fourteen individuals. The FARA Unit staff responded to each communication, satisfactorily addressing each comment and recommendation.

DATES: Comments are encouraged and will be accepted for an additional 30 days until May 13, 2020.

FOR FURTHER INFORMATION CONTACT: 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: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—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 of a currently approved collection.

2. *The Title of the Form/Collection:* Registration Statement (Foreign Agents).

3. *The agency form number:* Form NSD–1. The applicable component within the Department of Justice is the Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section, in the National Security Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Private Sector, Business or other for-profit. Other: Not-for-profit institutions, and individuals.

Abstract: This form contains Registration Statement information used for registering foreign agents under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611 *et seq.,* (FARA).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Based on the projected increases in registrations from 2017 to 2020, an estimated 140 new registrants will complete Form NSD–1 (OMB 1124–0001). Based on sample testing, each respondent will need .75 hours to complete the form, which takes into consideration the improved e-File 4.0 webform features. The following factors were considered when creating the burden estimate: the estimated total number of respondents, the intuitive online FARA e-File registration process, and the prior collection of the necessary data to accurately complete the filing. NSD estimates that all of the approximately 140 respondents will fully complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 105 annual burden hours. It is estimated that respondents that respondents will take .75 hours to complete the form. (140 respondents × .75 hours = 105 annual burden hours).

7. Beginning September 23, 2019, NSD completed its ongoing multi-year design review, testing, and requirements enhancement efforts under the FARA e-File 4.0 initiative to a level where it began to rollout initial capabilities for new registrants only. NSD continues to make progress in enhancing the functionality of FARA e-File and Form NSD–1.

If additional information is required contact: Melody D. Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 8, 2020.

Melody D. Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–07723 Filed 4–10–20; 8:45 am]

BILLING CODE 4410–PF–P

DEPARTMENT OF JUSTICE

[OMB Number 1124–0004]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Exhibit B to Registration Statement of Foreign Agents (NSD–4)

AGENCY: Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section (CES), National Security Division, U.S. Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), National Security Division (NSD), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. There were three official communications received by NSD reflecting comments and recommendations. One communication was signed by fourteen individuals. The FARA Unit staff responded to each communication, satisfactorily addressing each comment and recommendation.

DATES: Comments are encouraged and will be accepted for an additional 30 days until May 13, 2020.

FOR FURTHER INFORMATION CONTACT: 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: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and/or
—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 of a currently approved collection.

2. *The Title of the Form/Collection:* Exhibit B to Registration Statement (Foreign Agents).

3. *The agency form number:* Form NSD–4. The applicable component within the Department of Justice is the Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section, in the National Security Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Private Sector, Business or other for-profit. Other: Not-for-profit institutions, and individuals.

Abstract: This form contains Exhibit B to Registration Statement information used for registering foreign agents under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611 *et seq.,* (FARA).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Based on the projected increases in registrations from 2017 to 2020, an estimated 296 responses by respondents will complete Form NSD–4. (OMB–1124–0004). Based on sample testing, each respondent will need .32 hours to complete the form, which takes into consideration the improved e-File 4.0 webform features. The following factors were considered when creating the burden estimate: The estimated total number of respondents, the intuitive online FARA e-File registration process, and the prior collection of the necessary data to accurately complete the filing. NSD estimates that all of the approximately 296 respondents will fully complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 94.72 annual burden hours. It is estimated that respondents will take .32 hours to complete the form. (296 respondents × .32 hours = 94.72 annual burden hours).

7. Beginning September 23, 2019, NSD completed its ongoing multi-year design review, testing, and requirements enhancement efforts under the FARA e-File 4.0 initiative to a level where it began to rollout initial capabilities for new registrants only. NSD continues to make progress in enhancing the functionality of FARA e-File and Form NSD–4.

If additional information is required contact: Melody D. Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 8, 2020.

Melody D. Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–07726 Filed 4–10–20; 8:45 am]

BILLING CODE 4410–PF–P

DEPARTMENT OF JUSTICE

[OMB Number 1124–0002]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection Supplemental Statement of Foreign Agents (NSD–2)

AGENCY: Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section (CES), National Security Division, U.S. Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), National Security Division (NSD), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. There were three official communications received by NSD reflecting comments and recommendations. One communication was signed by fourteen individuals. The FARA Unit staff responded to each communication, satisfactorily addressing each comment and recommendation.

DATES: Comments are encouraged and will be accepted for an additional 30 days until May 13, 2020.

FOR FURTHER INFORMATION CONTACT: 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: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and/or
—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 of a currently approved collection.

2. *The Title of the Form/Collection:* Supplemental Statement (Foreign Agents).

3. *The agency form number:* Form NSD–2. The applicable component within the Department of Justice is the Foreign Agents Registration Act (FARA)

Unit, Counterintelligence and Export Control Section, in the National Security Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Private Sector, Business or other for-profit. Other: Not-for-profit institutions, and individuals.

Abstract: This form contains Supplemental Statement information used for registering foreign agents under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611 *et seq.*

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Based on the projected increases in registrations from 2017 to 2020, an estimated number of responses to the form is 416 respondents with 2 responses annually per registrant (832) who will complete Form NSD–2 (OMB 1124–0002). Based on sample testing, each respondent will need 1.17 hours to complete the form, which takes into consideration the improved e-File 4.0 webform features. The following factors were considered when creating the burden estimate: The estimated total number of respondents, the intuitive online FARA e-File registration process, and the prior collection of the necessary data to accurately complete the filing. NSD estimates that all of the approximately 416 respondents will complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 973.44 annual burden hours. It is estimated that respondents will take 1.17 hours to complete the form. (416 respondents (2 responses annually) × 1.17 hours = 973.44 annual burden hours).

7. Beginning September 23, 2019, NSD completed its ongoing multi-year design review, testing, and requirements enhancement efforts under the FARA e-File 4.0 initiative to a level where it began to rollout initial capabilities for new registrants only. NSD continues to make progress in enhancing the functionality of FARA e-File and Form NSD–2.

If additional information is required contact: Melody D. Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 8, 2020.

Melody D. Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–07724 Filed 4–10–20; 8:45 am]

BILLING CODE 4410–PF–P

DEPARTMENT OF JUSTICE

[OMB Number 1124–0003]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Amendment to Registration Statement of Foreign Agents (NSD–5)

AGENCY: Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section (CES), National Security Division, U.S. Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), National Security Division (NSD), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. There were three official communications received by NSD reflecting comments and recommendations. One communication was signed by fourteen individuals. The FARA Unit staff responded to each communication, satisfactorily addressing each comment and recommendation.

DATES: Comments are encouraged and will be accepted for an additional 30 days until May 13, 2020.

FOR FURTHER INFORMATION CONTACT: 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: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—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 of a currently approved collection.

2. *The Title of the Form/Collection:* Amendment to Registration Statement (Foreign Agents).

3. *The agency form number:* Form NSD–5. The applicable component within the Department of Justice is the Foreign Agents Registration Act (FARA) Unit, Counterintelligence and Export Control Section, in the National Security Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Private Sector, Business or other for-profit. Other: Not-for-profit institutions, and individuals.

Abstract: The form contains Amendment to Registration Statement information used for registering foreign agents under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611 *et seq.*

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Based on the projected increases in registrations from 2017 to 2020, an estimated 556 responses by respondents will complete Form NSD–5 (OMB 1124–0003). Based on sample testing, each respondent will need .75 hours to complete the form, which takes into consideration the improved e-File 4.0 webform features. The following factors were considered when creating the burden estimate: The estimated total number of respondents, the intuitive online FARA e-File registration process, and the prior collection of the necessary data to accurately complete the filing. NSD estimates that all of the 556 respondents will fully complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 417

annual burden hours. It is estimated that respondents will take .75 hours to complete the form. (556 respondents × .75 hours = 417 annual burden hours).

7. Beginning September 23, 2019, NSD completed its ongoing multi-year design review, testing, and requirements enhancement efforts under the FARA e-File 4.0 initiative to a level where it began to rollout initial capabilities for new registrants only. NSD continues to make progress in enhancing the functionality of FARA e-File and Form NSD–5.

If additional information is required contact: Melody D. Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 8, 2020.

Melody D. Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–07725 Filed 4–10–20; 8:45 am]

BILLING CODE 4410–PF–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of two petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petitions must be received by MSHA's Office of Standards, Regulations, and Variances on or before May 13, 2020.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: Roslyn B. Fontaine, Acting Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9557 (voice), *Noe.Song-Ae.A@dol.gov* (email), or 202–693–9441 (facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2020–005–C.

Petitioner: Affinity Coal Company, 111 Affinity Complex Rd., Sophia, WV 25878.

Mine: Affinity Mine, MSHA I.D. No. 46–08878, located in Raleigh County, West Virginia.

Regulation Affected: 30 CFR 75.1700 Oil and gas wells.

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.1700, in order to mine through two existing wells at the Affinity Mine.

The petitioner states that:

(1) Coal mining operations at the Affinity Mine are restricted by two conventional gas wells, which are shallow and vertical.

(2) The gas wells are close to a future portal site, which will be composed of: An intake shaft, hoist, warehouse, supply yard, and parking.

(3) If the wells cannot be mined through then the petitioner will have to drop the well entries and build overcasts. Dropping the well entries and building overcasts would reduce the amount of air supplied by the intake shaft.

(4) An alternate method proposed in the petition will increase ventilation throughout the Affinity Mine.

The petitioner's alternative method consists of procedures for cleaning out, preparing, plugging, and replugging oil or gas wells; procedures for mining within 100-foot diameter barrier around well; and additional conditions the petitioner will meet prior to mining through the wells.

(a) The petitioner proposes the following conditions to be met prior to mining through the wells:

(1) A 300 foot safety barrier will be built and maintained around the oil and gas wells, which includes a 150 foot barrier between a mined location and the well, until the MSHA district manager has approved mining in that area. Oil and gas wells are defined by the petitioner to include active, inactive, abandoned, shut-in, previously plugged wells, water injection wells, and carbon dioxide sequestration wells. Additionally, MSHA considers potential oil and gas producing formations that have not produced in commercial quantities to be oil and gas wells.

(2) Before mining inside the safety barrier, around any well that the mine will intersect, the petitioner will give the MSHA district manager a sworn affidavit or declaration by a company official, stating the required procedures for cleaning, preparing, and plugging each gas or oil well have been completed. The affidavit or declaration will include the logs described below as well as any other records that the district manager requires.

The petitioner may request a permit to lower the 300 foot safety barrier if a well intersection is not planned and lowering the barrier will not intersect the well.

(3) This petition applies to all methods of underground coal mining.

(b) The petitioner proposes the following mandatory procedures for cleaning out, preparing, plugging, and replugging oil or gas wells:

(1) Procedures for cleaning out and preparing vertical oil and gas wells before plugging or replugging them:

(i) If the well is less than 4,000 feet deep, the petitioner will clean out the well from the surface to at least 200 feet below the lowest mineable coal seam's base, unless the MSHA district manager requires cleaning below that (based on

the MSHA district manager's judgement, geological strata, or well pressure). If the well depth is equal to or greater than 4,000 feet, the petitioner will clean out the well from the surface to at least 400 feet below the lowest mineable coal seam's base. The petitioner will remove all materials that are within the well, throughout the entire diameter of the well, from wall to wall.

(ii) Down-hole logs will be prepared by the petitioner for each well. The logs are made up of a caliper survey and log(s) used to determine the diameters of the coal seam and potential hydrocarbon producing strata and location for a bridge plug (if required). If approved by the MSHA district manager, down-hole camera surveys may be used instead of down-hole logs. A journal will be maintained to describe the depth and nature of material(s) encountered, the drilling information, the length of the plug, casing(s) effected, and other information related to cleaning and sealing the well. Information such as invoices, work orders, and other records will be kept for MSHA to inspect, should MSHA request it.

(iii) When cleaning the well, a diligent effort will be made to remove all the casing in the well. If the casing cannot be removed, the petitioner will ensure that the annulus between the casings and the well walls are filled with expanding cement, with a minimum of 0.5% after setting, and contain no voids. Remaining casing will be cut, milled, perforated, or ripped to facilitate removing remaining casing from the coal seam. Any remaining casing will be perforated or ripped to allow cement to be injected in order to fill in voids throughout the well. The petitioner will make sure that work done before this petition to perforate or rip remaining casing at the coal seam is consistent with this petition. Perforations or rips are required at intervals of every 50 feet from 200 feet below the base of the lowest mineable coalbed, for wells less than 4,000 feet deep and 400 feet below the lowest mineable coal seam, up to 100 feet above the uppermost part of the coal seam.

(iv) In the event that the cleaned-out well produces excessive gas, a mechanical bridge plug will be placed in the borehole in a competent stratum at least 200 feet below the base of the lowest mineable coalbed, but above the top of the uppermost hydrocarbon-producing stratum, unless the MSHA district manager requires a larger distance. If it is not possible to set a mechanical bridge plug, an appropriately sized packer may be used in place of the mechanical bridge plug.

(v) If the uppermost hydrocarbon-producing stratum is within 300 feet of the base of the lowest mineable coalbed, a properly placed mechanical bridge plug, described in subparagraph (iv) above, will be used to isolate the hydrocarbon-producing stratum from the expanding cement plug. A minimum of 200 feet of expanding cement will be placed below the lowest mineable coalbed unless the MSHA district manager requires a greater distance, based on judgement, geological strata, or well pressure.

(2) Procedures for plugging and replugging oil or gas wells:

(i) A cement plug will be set by pumping an expanding cement slurry down the well to create a plug that runs from at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest coal seam that is being mined, unless the MSHA district manager requires a greater distance, based on judgement, geological strata, or well pressure. The cement will be placed in the well under a pressure of at least 200 pounds per square inch. Portland cement or a light-weight cement mixture may be used to fill in the area from 100 feet above the top of the uppermost mineable coalbed to the surface, unless the MSHA district manager requires a higher distance, based on judgement, geological strata, or well pressure.

(ii) The petitioner will embed steel turnings or other small magnetic particles in the top of the cement near the surface as permanent magnetic monuments for the well. An alternative is a 4 inch or larger casing, set in cement, which extends 36 or more inches above the ground level with the API number engraved or welded on the casing. High resolution GPS are required when a hole cannot be physically marked.

(3) Procedures for plugging and replugging oil or gas wells for use as degasification wells:

(i) A cement plug will be set in the wellbore by pumping an expanding cement slurry to form a plug from at least 200 feet of expanding cement (400 feet if the depth is 4,000 feet or greater) below the lowest mineable coalbed at a pressure of at least 200 pounds per square inch. The top of the expanding cement will extend at least 50 feet above the top of the coalbed being mined, unless the MSHA district manager requires a greater distance.

(ii) The petitioner will grout a suitable casing into the bedrock of the upper part of the degasification well in order to protect it. The remainder of the well may be cased or uncased.

(iii) The petitioner will fit a wellhead to the top of the degasification casing, as required by the MSHA district manager in the approved ventilation plan.

(iv) This equipment can include check valves, shut-in valves, sampling ports, flame arrestor equipment, and security fencing.

(v) The degasification well will be addressed in the approved ventilation plan, including periodic tests of methane levels and limits on the minimum methane concentrations extracted.

(vi) Once an area of the coal mine is degassed by a sealed well or if the coal mine is abandoned, the petitioner will plug all degasification wells using the following procedures: The petitioner will insert a tube to the bottom of the well, or at least to 100 feet above the coal seam being mined; blockage will be removed to allow the tube to reach this depth; the petitioner will set a cement plug in the well, pumping Portland cement or a lightweight cement mixture until the well is filled to the surface; and the petitioner will embed steel turnings or other small magnetic particles in the top of the cement near the surface as permanent magnetic monuments for the well. An alternative is a 4 inch or larger casing, set in cement, which extends 36 or more inches above the ground level with the API number engraved or welded on the casing.

(4) Procedures for preparing and plugging or replugging oil or gas wells that the petitioner determines, and the MSHA district manager agrees, cannot be cleaned completely:

(i) The petitioner will drill a hole adjacent and parallel to the well, at least 200 feet deep (400 feet if the total well depth is 4,000 feet or greater), below the coal seam to be mined or at the lowest mineable coal seam (whichever is lower).

(ii) The petitioner will locate remaining casings using geophysical sensing devices.

(iii) If casings are detected then the petitioner will drill into the well from from the parallel hole. The petitioner will perforate or rip all casings to allow for the injection of cement. The petitioner will perforate or rip at every 50 feet from at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the coal seam to be mined or the lowest mineable coal seam, whichever is lower, up to 100 feet above the seam that is being mined (unless the MSHA district manager requires a greater distance based on

judgement, geological strata, or well pressure).

The petitioner will ensure that the annulus between the casings and the well are filled with expanding cement, with a minimum of 0.5% after setting, and contain no voids. Where there are multiple casing or tubing strings present, any remaining casing will be ripped or perforated and filled with expanding cement; an acceptable casing bond log is needed for each casing and tubing strip if used instead of ripping or perforating multiple strings.

(iv) If the petitioner determines, and the MSHA district manager agrees, that there is insufficient casings in the well to allow for the procedures above (iii) to be completed, the petitioner will use a horizontal hydraulic fracturing technique to intercept the original well. From at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the coal seam to be mined or the lowest mineable coal seam to a point of at least 50 feet above the seam being mined, the petitioner will fracture 6 places (in agreement with the MSHA district manager). After the fracturing process, the petitioner will pump in cement to fill any voids.

(v) Down-hole logs will be prepared by the petitioner for each well. The logs are made up of a caliper survey and log(s) used to determine the diameters of the coal seam and bridge plug (if required). If conditions make it impractical to obtain the log from the well, the petitioner may obtain logs from the adjacent hole. If approved by the MSHA district manager, down-hole camera surveys may be approved used instead of down-hole logs. A journal will be maintained to describe the depth and nature of material(s) encountered, the drilling information, the length of the plug, casing(s) effected, and other information related to cleaning and sealing the well. Information such as invoices, work orders, and other records will be kept for MSHA to inspect, should MSHA request it.

(vi) After the well has been plugged according to the above procedures, the petitioner will plug the adjacent hole from the bottom to the surface using Portland cement (or a lightweight cement mixture). The petitioner will embed steel turnings or other small magnetic particles in the top of the cement near the surface as permanent magnetic monuments for the well. An alternative is a 4 inch or larger casing, set in cement, which extends 36 or more inches above the ground level. Each well will be assessed and the petitioner may submit an alternative plan, while the MSHA district manager may require that more than one method be utilized (or require additional data and certification).

(c) The petitioner proposes to use the following mandatory procedures for mining within a 100-foot barrier around the well:

(1) A conference may be requested by any of the following: The representative of the petitioner, a state agency, or the MSHA district manager (the petitioner's employees do not have a designated miners' representative as defined by 30 CFR 44.11(a)(6)). The requester will let the other parties above know of the conference with a reasonable amount of time before the conference, allowing for an opportunity to participate. The focus of the conference is to review, evaluate, and accommodate any abnormal or unusual circumstances that relate to the condition of the well or surrounding strata.

(2) The intersection of a well by the petitioner will be conducted on a shift approved by the MSHA district manager. The petitioner will notify the MSHA district manager and the miners' representative prior to the intersection so that representatives can be present.

(3) For continuous mining, drivage sites will be installed by the petitioner not more than 50 feet from the well, at the last open crosscut near the area to be mined to ensure intersection of the well. The drivage sites will not be more than 50 feet from the well.

(4) Firefighting equipment, including fire extinguishers, rock dust, and sufficient fire hose to reach the working face area of the mining-through will be available when either the conventional or continuous mining method is used. The fire hose will be located in the last open crosscut of the entry or room. The petitioner will maintain the water line to be able to reach the farthest point of penetration on the section.

(5) Sufficient supplies of roof support and ventilation materials will be available and located at the last open crosscut. In addition, an emergency plug and/or plugs will be available in the immediate area of the mine-through.

(6) Equipment will be checked for permissibility and serviced on the shift prior to mining-through the well; water sprays, water pressures and water flow rates will be checked and any issues will be corrected.

(7) The methane monitor on the continuous mining machine will be calibrated on the shift prior to mining-through the well.

(8) When mining is in progress, tests for methane will be made with a hand-held methane detector at least every 10 minutes from the time that mining with the continuous mining machine is within 30 feet of the well until the well is intersected and immediately prior to mining through. During the actual cutting through process, no individual will be allowed on the return side until mining-through has been completed and the area has been examined and declared safe.

(9) The working place will be free from accumulations of coal dust and coal spillages, and rock dust will be placed on the roof, rib and floor within 20 feet of the face when mining through or near the well on the shift or shifts during which the cut-through will occur.

(10) When the wellbore is intersected, all equipment will be de-energized and the area thoroughly examined and determined safe before mining is resumed.

(11) After a well has been intersected and the working place determined safe, mining will continue inby the well at a sufficient distance to permit adequate ventilation around the area of the wellbore.

(12) When a torch is necessary for poorly cut or milled casings, no open flames will be permitted in the area until adequate ventilation has been established around the wellbore and methane levels of less than 1 percent are present in all areas affected by flames or sparks from the torch. Before using a torch, a thick layer of rock dust will be applied to any roof, face, floor, ribs or exposed coal within 20 feet of the casing.

(13) Non-sparking (brass) tools will be used only to expose and examine cased wells. These tools will be located on the working section.

(14) No person will be permitted in the area of the mining-through operation except for those actually engaged in the operation, company personnel, representatives of the miners, personnel from MSHA, and personnel from the appropriate State agency.

(15) The petitioner will alert all personnel in the mine of a planned intersection of the well before going underground if it is to occur during the shift. The warning will be continuously repeated until the well is mined through.

(16) The mining-through operation will be under the direct supervision of a certified official. Instructions concerning the mining-through operation will be issued only by the certified official in charge.

(17) Within 30 days after the Proposed Decision and Order (PDO) becomes final, the petitioner will submit proposed revisions to be approved by the MSHA District Manager, as part of the 30 CFR 48 training plan. This will include initial and refresher training.

The revisions are to include training on the above terms for all miners involved in well intersection prior to mining within 150 feet of the well which is to be mined through.

(18) The required person under 30 CFR 75.1501 Emergency Evacuations is responsible for emergencies relating to the intersection and this person will review intersection procedures before the intersection occurs.

(19) Within 30 days of when this PDO is finalized, the petitioner will submit a revised emergency evacuation and firefighting training program, required by 30 CFR 75.1502. The petitioner will revise the program to incorporate hazards and evacuation plans used for well intersection. All underground miners will be trained in the above plan revisions within 30 days of submittal.

(20) The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection from the potential hazards against which the existing standard for 30 CFR 75.1700 is intended to guard.

Docket Number: M–2020–006–C.

Petitioner: Nelson Brothers, LLC, P.O. Box 8276, South Charleston, WV 25303.

Mines: Workman Creek Surface Mine, MSHA I.D. No. 46–09475, located in Raleigh County, West Virginia; No. 1 Surface Mine, MSHA I.D. No. 46–06870, located in Nicholas County, West Virginia; Twilight Mtr. Surface Mine, MSHA I.D. No. 46–08645, located in Boone County, West Virginia.

Regulation Affected: 30 CFR 77.1302(k) Vehicles used to transport explosives.

Modification Request: The petitioner requests that a previously granted petition for modification, Docket No. M–2009–043–C, be amended. The petitioner proposes to add Workman Creek Surface Mine, MSHA I.D. No. 46–09475 to the Proposed Decision and Order (PDO), while removing from the PDO: No. 1 Surface Mine, MSHA I.D. No. 46–06870 (no longer active) and Twilight Mtr. Surface Mine, MSHA I.D. No. 46–08645 (which the petitioner does not service anymore). On January 31, 2011, the petition for modification to 30 CFR 77.1302(k), Docket No. M–2009–043–C, was granted; the PDO permitted the petitioner's alternative method of repairing and maintaining vehicles containing explosives or detonators. Under this PDO, employees are allowed to perform routine repair or maintenance work under non-permanent shelters constructed in remote areas of the mine where normal mining activities are not occurring. The petitioner asserts that at the new mine cited above, the alternative method included in Docket No. M–2009–043–C will at all times guarantee no less than the same measure of protection afforded the miners under 30 CFR 77.1302(k).

Roslyn Fontaine,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2020–07630 Filed 4–10–20; 8:45 am]

BILLING CODE 4520–43–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (20–042)]

NASA Advisory Council; Human Exploration and Operations Committee; Meeting

AGENCY: National Aeronautics and Space Administration

REF: Federal Register/Vol. 85, No. 60/ Friday, March 27, 2020/Notices; pages 17368–17369.

ACTION: Notice of meeting postponement.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Aeronautics and Space Administration (NASA) announces that the planned meeting on April 14–15, 2020, of the Human Exploration and Operations Committee of the NASA Advisory Council is being postponed until further notice. This meeting was announced in the **Federal Register** on March 27, 2020 (see reference above). NASA will announce the new dates for this meeting in a future **Federal Register** notice.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2020–07697 Filed 4–10–20; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act: Notice of Agency Meeting

TIME AND DATE: 10:00 a.m., Thursday, April 16, 2020.

PLACE: Due to the COVID–19 Pandemic, the meeting will be open to the public via live webcast only. Visit the agency's homepage (*www.ncua.gov.*) and access the provided webcast link.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

1. NCUA Rules and Regulations, Central Liquidity Facility.
2. NCUA Rules and Regulations, Regulatory Relief in Response to COVID–19 Pandemic.
3. NCUA Rules and Regulations, Real Estate Appraisal Relief.
4. NCUA Rules and Regulations, Real Estate Appraisal Threshold Levels.

CONTACT PERSON FOR MORE INFORMATION: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2020–07871 Filed 4–9–20; 4:15 pm]

BILLING CODE 7535–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the National Endowment for the Humanities (NEH) is seeking comment concerning a proposed revision to an existing information collection that it uses to survey agency funding recipients.

DATES: Please submit comments by June 12, 2020.

ADDRESSES: Submit electronic comments to Mr. Timothy Carrigan, Chief Funding Opportunity Officer, Office of Grant Management, National Endowment for the Humanities: 400 Seventh Street SW, Washington, DC 20506, or *tcarrigan@neh.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Timothy Carrigan, Chief Funding Opportunity Officer, Office of Grant Management, National Endowment for the Humanities: 400 Seventh Street SW, Washington, DC 20506, (202) 606–8377, or *tcarrigan@neh.gov.*

SUPPLEMENTARY INFORMATION:

Overview of This Information Collection

Type of Review: Revision of an existing information collection.

Title of Information Collection: General Clearance Authority to Develop Grantee Survey Instruments for the National Endowment for the Humanities.

Abstract: The National Endowment for the Humanities is seeking to revise its general clearance authority to develop survey instruments for recipients of its grant programs. The NEH regularly monitors its grants, relying primarily on data obtained in performance reports. In many instances, outcomes are not readily observable during the one- to three-year period of performance. The clearance to collect data from grant recipients beyond the period of performance is essential to the NEH's ability to assess it programs systemically and to measure progress in achieving the goals articulated in the agency's strategic plan.

The proposed revision adjusts the overall burden estimate from 580 to 615 hours, to reflect the anticipated change in the number of respondents from 1,160 to 1,230. The estimated time per response remains unchanged.

OMB Number: 3136–0139.

Affected Public: NEH grant recipients.

Frequency of Collection: On occasion.

Total Respondents: 1,230.

Total Responses: 1,230.

Estimated Time per Response: 30 minutes.

Estimated Total Burden Hours: 615 hours.

Request for Comments

NEH will make comments submitted in response to this notice, including names and addresses where provided, a matter of public record. NEH will summarize the contents and include them in the request for OMB approval. We are requesting comments on all aspects of this clearance request, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (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 appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: April 7, 2020.

Caitlin Cater,

Attorney-Advisor, National Endowment for the Humanities.

[FR Doc. 2020–07663 Filed 4–10–20; 8:45 am]

BILLING CODE 7536–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0140, Representative Payee Application (RI 20–7) and Information Necessary for a Competency Determination (RI 30–3)

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on a revised information collection request (ICR), Representative Payee Application, RI 20–7 and Information Necessary for a Competency Determination, RI 30–3.

DATES: Comments are encouraged and will be accepted until June 12, 2020.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by the following method:

—*Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

All submissions received must include the agency name and docket number or RIN for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection (OMB No. 3206–0140). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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 submissions of responses.

Form RI 20–7 is used by the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) to collect information from persons applying to be fiduciaries for annuitants or survivor annuitants who appear to be incapable of handling their funds or for minor children. RI 30–3 collects medical information regarding the annuitant's competency for OPM's use in evaluating the annuitant's condition.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Representative Payee Application *(RI 20–7)* and Information Necessary for a Competency Determination *(RI 30–3).*

OMB Number: 3206–0140.

Frequency: Annually.

Affected Public: Individuals or Households.

Number of Respondents: 12,480 *(RI 20–7);* 250 *(RI 30–3).*

Estimated Time per Respondent: 30 minutes *(RI 20–7);* 60 minutes *(RI 30–3).*

Total Burden Hours: 6,490 hours.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2020–07634 Filed 4–10–20; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: 3206–0162, Report of Medical Examination of Person Electing Survivor Benefits, OPM 1530

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM)

offers the general public and other federal agencies the opportunity to comment on a revised information collection request (ICR), Report of Medical Examination of Person Electing Survivor Benefits, OPM 1530.

DATES: Comments are encouraged and will be accepted until June 12, 2020.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by the following method:

—*Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

All submissions received must include the agency name and docket number or RIN for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910 or reached via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection (OMB No. 3206–0162). The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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 submissions of responses.

OPM Form 1530 is used to collect information regarding an annuitant's health so that OPM can determine whether the insurable interest survivor benefit election can be allowed.

Analysis:

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Report of Medical Examination of Person Electing Survivor Benefits.

OMB Number: 3206–0162.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 500.

Estimated Time per Respondent: 90 minutes.

Total Burden Hours: 750.

U.S. Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

[FR Doc. 2020–07633 Filed 4–10–20; 8:45 am]

BILLING CODE 6325–38–P

POSTAL SERVICE

Board of Governors; Sunshine Act Meeting

TIME AND DATE: April 8, 2020, at 9:00 a.m.

PLACE: Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Items.
2. Strategic Issues.

On April 1, 2020, a majority of the members of the Board of Governors of the United States Postal Service voted unanimously to hold and to close to public observation a special meeting in Washington, DC, via teleconference. The Board determined that no earlier public notice was practicable.

General Counsel Certification: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Michael J. Elston, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–1000. Telephone: (202) 268–4800.

Michael J. Elston,

Secretary.

[FR Doc. 2020–07782 Filed 4–9–20; 11:15 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88583; File No. SR–Phlx–2020–15]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Exchange Rules 3301A and 3301B

April 7, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 26, 2020, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rules 3301A and 3301B to modify the behavior of Order Types and Order Attributes in certain situations.

The Exchange intends to implement its proposed rule change on or before the end of the Second Quarter of 2020. The Exchange will announce the new implementation date by an Equity Trader Alert, which shall be issued prior to the implementation date.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Pursuant to Rule 3307, the Exchange maintains discretion to execute Orders in accordance with one of two execution algorithms: ''Price/Time'' and ''Pro Rata.'' Prior to November 1, 2019, the Exchange executed Orders in accordance with the Pro Rata Execution Algorithm, which executes trading interest in the following order of priority: (1) Price; (2) Displayed interest with a size of one round lot or more; (3) Displayed odd-lot Orders; (4) Non-Displayed interest with a size of one round lot or more; (5) Minimum Quantity Orders; and (6) Non-Displayed odd-lot Orders.[3] However, as of November 1, 2019,[4] the Exchange migrated to the Price/Time Execution Algorithm, which executes trading interest in order of: (1) Price; (2) Displayed interest; and (3) Non-Displayed interest.[5]

In accordance with the Exchange's shift to the Price/Time Execution Algorithm, the Exchange proposes to adopt functionality that was unavailable for use under the Pro Rata Execution Algorithm, but which is common among Price/Time exchanges, including the Exchange's affiliates, the Nasdaq Stock Market, LLC (''Nasdaq'') and Nasdaq BX, Inc. (''BX'').[6]

The Exchange also proposes to make several non-substantive changes to correct and conform the Exchange's Rules to corresponding rules of Nasdaq and/or BX.[7]

Post-Only Orders

The Exchange proposes to amend Rule 3301A to provide for additional functionalities for Post-Only Orders.[8]

One set of changes would provide Participants with the option of cancelling a Post-Only Order in circumstances where currently, the Exchange would adjust the price of such an Order. The proposed functionality will apply when: (1) An incoming Post-Only Order locks or crosses a Protected Quotation;[9] (2) an adjusted Post-Only Order locks or crosses a Displayed Order at its displayed price on the Exchange Book; or (3) a Post-Only Order would not lock or cross a Protected Quotation but would lock or cross a Displayed Order at its displayed price on the Exchange Book. This functionality will be offered as a port setting and may be applied to all Orders entered under the same MPID for Orders entered through RASH and FIX, or, in the case of Participants using the OUCH or FLITE order entry protocols, it may be applied to all Orders entered through a specific order entry port and under the same MPID.[10]

The first of these changes relates to incoming Post-Only Orders that lock or cross a Protected Quotation. Currently, Rule 3301A(b)(4)(A) states that, if a Post-Only Order would lock or cross a Protected Quotation, the price of the Order will first be adjusted. If the Order is Attributable,[11] its adjusted price will be one minimum price increment lower than the current Best Offer (for bids) or higher than the current Best Bid (for offers). If the Order is not Attributable, its adjusted price will be equal to the current Best Offer (for bids) or the current Best Bid (for offers). However, the Order will not post or execute until the Order, as adjusted, is evaluated with respect to Orders on the Exchange Book. The Exchange proposes to amend the behavior for both incoming Non-Attributable and Attributable Post-Only Orders that lock or cross a Protected Quotation on an away market center. In both cases, the Post-Only Order may be either adjusted or cancelled back to the Participant, depending on the Participant's choice. However, the Post-Only Order will execute if (i) it is priced below $1.00 and the value of price improvement associated with executing against an Order on the Exchange Book (as measured against the original limit price of the Order) equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Exchange Book and subsequently provided liquidity, or (ii) it is priced at $1.00 or more and the value of price improvement associated with executing against an Order on the Exchange Book (as measured against the original limit price of the Order) equals or exceeds $0.01 per share. As with the current rule text, the price of the Order will first be adjusted if the Participant elects to have the Post-Only Order adjusted (instead of being cancelled). Similarly, if the Order is Attributable, its adjusted price will be one minimum price increment lower than the current Best Offer (for bids) or higher than the current Best Bid (for offers). If the Order is not Attributable, its adjusted price will be equal to the current Best Offer (for bids) or the current Best Bid (for offers). However, the Order will not post or execute until the Order, as adjusted, is evaluated with respect to Orders on the Exchange Book.

In addition to offering the new cancel functionality where an incoming Post-Only Order locks or crosses a Protected Quotation on an away market center, the Exchange proposes to amend Rule 3301A(b)(4)(A) to state when that Order would execute, as described above. The Exchange proposes this change because it believes that the instances pursuant to which a locking or crossing Post-Only order will execute in other scenarios (such as a Post-Only Order that locks or crosses a Displayed Order at its displayed price on the Exchange Book) also apply here, *e.g.,* the execution of the Post-Only Order would be economically beneficial to the Participant that entered the Order while contributing to the price discovery process.

The second change relates to the adjusted price of the Post-Only Order if that price would lock or cross an Order on the Exchange Book. Currently, Rule 3301A(b)(4)(A) states that, if the adjusted price of the Post-Only Order would lock or cross an Order on the

[3] *See* Rule 3307(b).

[4] *See* Equity Trader Alert 2019–77 (Sept. 27, 2019), at *http://www.nasdaqtrader.com/TraderNews.aspx?id=ETA2019-77.*

[5] *See* Rule 3307(a).

[6] All of the proposed functionalities will apply only to the extent that the Exchange continues to operate on a Price/Time basis. They would not be available if the Exchange was to revert to a Pro Rata Execution Algorithm.

[7] For example, at various points in the rule text of Rule 3301A, the Exchange proposes to add the word ''Displayed'' before the word ''Order'' to conform that rule text to corresponding Nasdaq and BX rule text (Nasdaq and BX Rule 4702). Also to conform to corresponding Nasdaq and BX rule text, the Exchange proposes, in Rule 3301A(b)(4)(C), to add, to the paragraph describing the treatment of a Post-Only Order designated as an ISO that locks or crosses an Order on the PSX Book, language stating that such an Order would either execute at time of entry, ''post at its limit price,'' or would have its price adjusted prior to posting.

[8] A ''Post-Only Order'' is an Order Type designed to have its price adjusted as needed to post to the PSX Book in compliance with Rule 610(d) under Regulation NMS by avoiding the display of quotations that lock or cross any Protected Quotation in a System Security during Market Hours, or to execute against locking or crossing quotations in circumstances where economically beneficial to the Participant entering the Post-Only Order. *See* Rule 3301A(b)(4)(A).

[9] The term ''Protected Quotation'' has the meaning assigned to it under Rule 600 of Regulation National Market System. *See* Rule 3301(j). Unless otherwise stated, it refers to a quotation of a market center other than PSX. *Id.*

[10] RASH and FIX are order entry protocols to enter orders into RASH, and RASH is a system separate from the matching system. Because of that, the granular detail around the specific ports going into the RASH system is not available to the matching system, and thus the setting can only be available at the MPID level for these protocols. By contrast, OUCH and FLITE are order entry protocols for the matching system itself, and so that level of detail is available.

[11] As set forth in Rule 3301B(i), an Order with ''Attribution'' is referred to as an ''Attributable Order'' and an Order without attribution is referred to as a ''Non-Attributable Order.'' Rule 3301B(i) defines Attribution as an Order Attribute that permits a Participant to designate that the price and size of the Order will be displayed next to the Participant's MPID in market data disseminated by the Exchange.

Exchange Book, then the Post Only Order will be repriced, ranked, and displayed at one minimum price increment below the current best price to sell on the Exchange Book (for bids) or above the current best price to buy on the Exchange Book (for offers). However, the Post-Only Order will execute if: (i) It is priced below $1.00 and the value of price improvement associated with executing against an Order on the Exchange Book (as measured against the original limit price of the Order) equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Exchange Book and subsequently provided liquidity, or (ii) it is priced at $1.00 or more and the value of price improvement associated with executing against an Order on the Exchange Book (as measured against the original limit price of the Order) equals or exceeds $0.01 per share.

The Exchange proposes to amend this provision to apply to a scenario in which the adjusted price of the Post-Only Order would lock or cross a Displayed Order at its displayed price on the Exchange Book. The proposal would also allow the Post-Only Order to either be adjusted or be cancelled back to the Participant in this scenario, depending on the Participant's choice. As with the current language of this section, however, the Post-Only Order will execute if: (i) It is priced below $1.00 and the value of price improvement associated with executing against an Order on the Exchange Book (as measured against the original limit price of the Order) equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Exchange Book and subsequently provided liquidity, or (ii) it is priced at $1.00 or more and the value of price improvement associated with executing against an Order on the Exchange Book (as measured against the original limit price of the Order) equals or exceeds $0.01 per share. If the Participant elects to have the Post-Only Order adjusted, the Order will continue to be treated as specified today in the Rule, so that the Post- Only Order will be repriced, ranked, and displayed at one minimum price increment below the current best displayed price to sell on the Exchange Book (for bids) or above the current best displayed price to buy on the Exchange Book (for offers).

The third change relates to a Post-Only Order that would not lock or cross a Protected Quotation but would lock or cross an Order on the Exchange Book. Currently, Rule 3301A(b)(4)(A) states that such an Order will be repriced, ranked, and displayed at one minimum price increment below the current best-priced Order to sell on the Exchange Book (for bids) or above the current best-priced Order to buy on the Exchange Book (for offers). However, the Post-Only Order will execute if: (i) It is priced below $1.00 and the value of price improvement associated with executing against an Order on the Exchange Book equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Exchange Book and subsequently provided liquidity, or (ii) it is priced at $1.00 or more and the value of price improvement associated with executing against an Order on the Exchange Book equals or exceeds $0.01 per share.

The Exchange proposes to amend this provision so that it applies where a Post-Only Order would not lock or cross a Protected Quotation but would lock or cross a Displayed Order at its displayed price on the Exchange Book. The Exchange proposes that, in this scenario, the Order may either be adjusted or be cancelled back to the Participant, depending on the Participant's choice. However, the Post-Only Order will execute if: (i) It is priced below $1.00 and the value of price improvement associated with executing against an Order on the Exchange Book (as measured against the original limit price of the Order) equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Exchange Book and subsequently provided liquidity, or (ii) it is priced at $1.00 or more and the value of price improvement associated with executing against an Order on the Exchange Book (as measured against the original limit price of the Order) equals or exceeds $0.01 per share. If the Participant elects to have the Post Only-Order adjusted, the Post-Only Order will be repriced, ranked, and displayed at one minimum price increment below the current best-priced Displayed Order to sell on the Exchange Book (for bids) or above the current best-priced Displayed Order to buy on the Exchange Book (for offers).[12]

The Exchange believes that the foregoing proposals will benefit liquidity providers and the market in general by, among other things, providing Participants with greater flexibility when managing their order flow, and thereby promoting the more efficient execution of Orders. In some circumstances, a market maker may have its order price adjusted due to locking or crossing an away market price (*i.e.,* the displayed NBBO without the Exchange) or it may have its order price adjusted due to locking or crossing a Displayed Order on the Exchange Book. In many cases, these liquidity providers do not want to have their price adjusted and would rather have their order cancelled so that they can reevaluate the market conditions at the time. The Exchange believes that providing market makers with flexibility to cancel in this circumstance will increase efficiency and reduce message traffic both internal to the Exchange and for external data feed consumers.

The Exchange also proposes to add a provision to Rule 3301A(b)(4) that addresses the treatment of Post-Only Orders that would not lock or cross a Protected Quotation but would lock or cross a Non-Displayed Order on the Exchange Book. In that circumstance, the Exchange proposes that the Post-Only Order will be posted, ranked, and displayed at its limit price. Once again, however, the Post-Only Order will execute in this instance if: (i) It is priced below $1.00 and the value of price improvement associated with executing against an Order on the Exchange Book (as measured against the original limit price of the Order) equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Exchange Book and subsequently provided liquidity, or (ii) it is priced at $1.00 or more and the value of price improvement associated with executing against an Order on the Exchange Book (as measured against the original limit price of the Order) equals or exceeds $0.01 per share.

By allowing a Post-Only Order that is entered with a price equal to a resting Non-Display Order to be posted at its

[12] The Exchange proposes to make a corresponding change to Rule 3301A(b)(4)(A). The Exchange proposes to amend a provision of the Rule relating to the treatment of Post-Only Orders during the Pre-Market and Post-Market Hours. Currently, that provision states that, during Pre-Market and Post-Market Hours, a Post-Only Order will be processed in a manner identical to Market Hours with respect to locking or crossing Orders on the Exchange Book, but will not have its price adjusted with respect to locking or crossing the quotations of other market centers. The Exchange proposes to amend this language to provide that a Post-Only Order that locks or crosses the quotation of another market center during the Pre-Market and Post-Market Hours will not be cancelled or have its price adjusted. The purpose of the proposed functionality is to allow a Participant to cancel its Post-Only Order in various circumstances rather than have that Order adjusted. To the extent that a Post-Only Order will not have its price adjusted if it locks or crosses the quotation of another market center during the Pre-Market or Post-Market Hours, there is not a need to offer the corresponding cancel functionality.

limit price rather than being re-priced, the Exchange will allow the Post Only Order to lock the resting Non-Display Order.[13] Both the Displayed Post-Only Order and the resting Non-Display Order will remain available for execution at the locking price. In this way, neither Order will be disadvantaged and the Exchange's bid/offer spread will be tightened. In this scenario, efficacy will be maintained or enhanced for both the Participant entering the Post-Only Order and the Participant entering the Non-Displayed Order.

In addition to the above, the Exchange proposes to add a provision to Rule 3301A(b)(4) to address the scenario in which the adjusted price of a Post-Only Order would lock or cross a Non-Displayed[14] price on the Exchange Book. The proposal would specify that in that circumstance, the Post-Only Order will be posted in the same manner as a Price to Comply Order.[15] However, the Post-Only Order will execute in this instance if: (i) It is priced below $1.00 and the value of price improvement associated with executing against an Order on the Exchange Book (as measured against the original limit price of the Order) equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Exchange Book and subsequently provided liquidity, or (ii) it is priced at $1.00 or more and the value of price improvement associated with executing against an Order on the Exchange Book (as measured against the original limit price of the Order) equals or exceeds $0.01 per share. This provision, which exists on Nasdaq and BX,[16] will help to reduce the information leakage that would otherwise occur when a Post-Only Order re-prices to avoid locking or crossing the price of a Non-Displayed Order resting on the Exchange's book.

The Exchange notes that the foregoing proposals add functionalities to the Post-Only Order that are currently offered by other exchanges, including the Exchange's affiliates, Nasdaq and BX. Indeed, the proposed changes to Rule 3301A(b)(4) mirror language that currently exists in both Nasdaq and BX Rules 4702(b)(4) and the rationales that the Exchange puts forth for those changes mirror those proffered by Nasdaq and BX.[17]

Minimum Quantity

As set forth in Rule 3301B(e), ''Minimum Quantity'' is an Order Attribute that allows a Participant to provide that an Order will not execute unless a specified minimum quantity of shares can be obtained. Thus, the functionality serves to allow a Participant that may wish to buy or sell a large amount of a security to avoid signaling its trading interest unless it can purchase a certain minimum amount. An Order with a ''Minimum Quantity'' Order Attribute may be referred to as a ''Minimum Quantity Order.''

The Exchange proposes to amend Rule 3301B(e) to provide a Participant with two choices as to how the Exchange will process a Minimum Quantity Order at the time of entry. First, the Exchange proposes that the Participant may specify that the Minimum Quantity condition may be satisfied by execution against multiple Orders. In that case, upon entry, the Exchange's System would determine whether there were one or more posted Orders executable against the incoming Order with an aggregate size of at least the minimum quantity. If there were not, the Order would post on the Exchange Book in accordance with the characteristics of its underlying Order Type.

Second, the Exchange proposes that Participant may specify that the Minimum Quantity condition must be satisfied by execution against one or more Orders, each of which must have a size that satisfies the Minimum Quantity condition. If there are such Orders but there are also other Orders that do not satisfy the Minimum Quantity condition, the Minimum Quantity Order will execute against Orders on the PSX Book in accordance with Rule 3307(a) (pertaining to execution priority) until it reaches an Order that does not satisfy the minimum quantity condition, and then the remainder of the Order will be cancelled. For example, if a Participant entered an Order to buy at $11 with a size of 1,500 shares and a minimum quantity condition of 500 shares, and there were three Orders to sell at $11 on the PSX Book, two with a size of 500 shares each and one with a size of 200 shares, with the 200 share Order ranked in time priority between the 500 share Orders, the 500 share Order with the first time priority would execute and the remainder of the Minimum Quantity Order would be cancelled. Alternatively, if the Order would lock or cross Orders on the PSX Book but none of the resting Orders would satisfy the minimum quantity condition, an Order with a minimum quantity condition to buy (sell) will be repriced to one minimum price increment lower than (higher than) the lowest price (highest price) of such Orders. For example, if there was an Order to buy at $11 with a minimum quantity condition of 500 shares, and there were resting Orders on the PSX Book to sell 200 shares at $10.99 and 300 shares at $11, the Order would be repriced to $10.98 and ranked at that price.

Again, the foregoing proposed changes to Rule 3301B(e) mirror language that exists for the same Order Attribute in the Nasdaq and BX rulebooks.[18]

[13] The Exchange believes that this condition is consistent with the Regulation NMS prohibition on locked and crossed markets because the Exchange will not be displaying a locked market.

[14] A ''Non-Displayed Order'' is an Order Type that is not displayed to other Participants, but nevertheless remains available for potential execution against incoming Orders until executed in full or cancelled. In addition to the Non-Displayed Order Type, there are other Order Types that are not displayed on the PSX Book. Thus, ''Non-Display'' is both a specific Order Type and an Order Attribute of certain other Order Types. *See* Rule 3301A(b)(3)(A).

[15] Pursuant to Rule 3301A(b)(1), a ''Price to Comply Order'' is an Order Type designed to comply with Rule 610(d) under Regulation NMS by avoiding the display of quotations that lock or cross any Protected Quotation in a System Security during Market Hours. The Price to Comply Order is also designed to provide potential price improvement. When a Price to Comply Order is entered, the Price to Comply Order will be executed against previously posted Orders on the Exchange Book that are priced equal to or better than the price of the Price to Comply Order, up to the full amount of such previously posted Orders, unless such executions would trade through a Protected Quotation. Any portion of the Order that cannot be executed in this manner will be posted on the Exchange Book (and/or routed if it has been designated as routable). During Market Hours, the price at which a Price to Comply Order is posted is determined in the following manner. If the entered limit price of the Price to Comply Order would lock or cross a Protected Quotation and the Price to Comply Order could not execute against an Order on the Exchange Book at a price equal to or better than the price of the Protected Quotation, the Price to Comply Order will be displayed on the PSX Book at a price one minimum price increment lower than the current Best Offer (for a Price to Comply Order to buy) or higher than the current Best Bid (for a Price to Comply Order to sell) but will also be ranked on the Exchange Book with a Non-Displayed price equal to the current Best Offer (for a Price to Comply Order to buy) or to the current Best Bid (for a Price to Comply Order to sell). During Pre-Market Hours and Post-Market Hours, a Price to Comply Order will be ranked and displayed at its entered limit price without adjustment.

[16] *See* Nasdaq Rule 4702(b)(4)(A), BX Rule 4702(b)(4)(A).

[17] *See* Securities Exchange Act Release No. 34–79290 (Nov. 10, 2016), 81 FR 81184 (Nov. 17, 2016) (SR–NASDAQ–2016–111); Securities Exchange Act Release No. 34–80630 (May 9, 2017), 82 FR 22364 (May 15, 2017) (SR–NASDAQ–2017–043); Securities Exchange Act Release No. 79290 (November 10, 2016), 81 FR 81184 (November 17, 2016) (SR–BX–2016–046).

[18] *See* Securities Exchange Act Release No. 34–75252 (June 22, 2015), 80 FR 36865 (June 26, 2015) (SR–NASDAQ–2015–024); Securities Exchange Act Release No. 34–84012 (August 31, 2018), 83 FR 45476 (September 7, 2018) (SR–BX–2018–040).

Trade Now

The Exchange proposes to amend Rules 3301A and 3301B to add a ''Trade Now'' instruction to certain order types. The Exchange will offer this functionality—which is presently available on Nasdaq and BX [19]—through its OUCH, RASH, FLITE, and FIX protocols. This instruction will provide resting Orders with a greater ability to receive an execution when that resting Order is locked by a Displayed Order. The Trade Now instruction will allow participants to enter an instruction to have a locked or crossed resting buy (sell) Order execute against the locking or crossing sell (buy) order as a liquidity taker. Depending on the protocol used by the participant to access the Exchange's system, the participant may either specify that the Order execute against locking interest automatically, or the participant may be required to send a Trade Now instruction to the Exchange once the Order has become locked. The Exchange is offering the Trade Now instruction for all Orders that may be sent to and may be locked or crossed by a Displayed Order on the continuous Exchange book, and will not offer the instruction for Orders that do not execute and will not be locked by a Displayed Order on the continuous book.[20]

When a Trade Now instruction is applied to a resting buy (sell) Order, the Order will execute against the available size of the locking or crossing sell (buy) Order as the liquidity taker. The following example illustrates this scenario:

- Participant A enters a Non-Display buy order for 200 shares at $10, and specifies the Trade Now instruction;
- Participant B enters a Post Only sell Order for 100 shares at $10;
- The Post Only Order is posted at $10 and locks the Non-Display Order;
- The buy Order will execute for 100 shares at $10 as the remover of liquidity.

If a buy (sell) Order with the Trade Now instruction is only partially executed, the unexecuted portion of that Order remains on the Exchange book and maintains its priority.

Depending on the interface being used by the participant, the Trade Now attribute may either allow the order to execute against locking or crossing interest automatically (''Reactive Trade Now''), or the participant may be required to send a Trade Now instruction to the Exchange once the Order has become locked (''Non-Reactive Trade Now''). All Orders that are entered through the RASH and FIX protocols with a Trade Now Order Attribute will be Reactive Trade Now, and those Orders shall execute against locking interest automatically.

The Reactive Trade Now instruction will be available on an Order-by-Order basis, and will also be available as an optional port level setting. If the Reactive Trade Now setting is enabled on a specific port, all Orders entered via the specific port will, by default, be designated with the Reactive Trade Now instruction. If the Reactive Trade Now setting is enabled on a specific port, participants will have the ability to designate on an Order-by-Order basis that a particular Order entered via the specific port will not be designated with the Reactive Trade Now instruction, thereby overriding the port level setting for the Order. If the Reactive Trade Now instruction is specified for an Order for which the Trade Now instruction does not apply, the system will not invoke the Trade Now instruction for that Order.

In contrast, Orders entered through the OUCH and FLITE protocols will use the Non-Reactive Trade Now functionality, and participants must send the Trade Now instruction after the order becomes locked. If a participant enters a Non-Reactive Trade Now instruction when there is no locking or crossing interest, the instruction will be ignored by the System and the order will remain on the Exchange Book with the same priority.

The Non-Reactive Trade Now instruction will be available to participants on an Order-by-Order basis. If the Non-Reactive Trade Now instruction is entered for an Order for which the Trade Now instruction does not apply, the System will not invoke the Trade Now instruction for that Order.

The Exchange is offering two different variations of the Trade Now instruction to reflect the differences in behavior among participants who use the different Exchange protocols. For example, the Exchange typically assumes a more active role in managing the order flow submitted by users of the RASH and FIX protocols. Allowing these participants to use the Reactive Trade Now instruction at the time of Order entry will allow for the automatic execution of Orders, and reflects the order flow management practices of these participants. In contrast, users of the OUCH and FLITE protocols generally assume a more active role in managing their Order flow. Offering the Non-Reactive Trade Now instruction for these protocols, and its requirement that the instruction must be sent after the Order becomes locked or crossed, reflects the order flow management practices of these participants.

Midpoint Peg Post-Only Orders and Orders With Midpoint Pegging

The Exchange proposes to amend Rule 3301A and Rule 3301B to discontinue executing Orders with Midpoint Pegging when the NBBO is crossed, as well as to specify the behavior of Midpoint Peg Post-Only Orders and Orders with Midpoint Pegging when the market is crossed or when there is no best bid and/or offer. The Exchange also proposes to change certain references to cancelling or rejecting orders in Rule 3301A and Rule 3301B.

Today, the Exchange executes Orders with Midpoint Pegging when the NBBO is locked by executing at the locking price and when the NBBO is crossed by executing at the midpoint of the crossed price.[21] Based on feedback from members and the practice of other exchanges,[22] the Exchange has determined that its current practice of executing Orders with Midpoint Pegging during such crossed markets produces sub-optimal execution prices for members and investors. The midpoint of a crossed market is not a clear and accurate indication of a valid price, nor is it indicative of a fair and orderly market. The better practice is to simply not execute Midpoint Orders during crossed markets. To accomplish this, the Exchange proposes to add language to Rule 3301A(b)(6)(B) for Midpoint Peg Post-Only Orders entered through RASH or FIX, whereby, if the Order is on the System Book and subsequently the NBBO is crossed, or if there is subsequently no NBBO, the Order will be removed from the System Book and will be reentered at the new Midpoint once there is a valid NBBO that is not

[19] *See* Nasdaq Rules 4702(b) and 4703(m) and BX Rules 4702(b) and 4703(l).

[20] The Exchange proposes to amend Rule 3301A(b) to specify that Trade Now functionality is available for Price to Comply Orders, Non-Displayed Orders, Post-Only Orders, and Midpoint Peg Post-Only Orders. The Exchange notes that it does not intend to make Trade Now Available for Price to Display Orders or Market Maker Peg Orders, as it is presently on Nasdaq and BX, because Trade Now functionality is intended to apply to non-displayed Orders only, and would not be invoked for Price to Display and Market Maker Peg Orders, which are displayed order types. Nasdaq and BX plan to separately propose to amend their respective rules to remove Trade Now functionality from their Price to Display and Market Maker Peg order types.

[21] *See* Rule 3301B(d).

[22] *See, e.g.,* Cboe BZX Rule 11.9(c)(9) (no midpoint execution during crossed market); NYSE Arca Rule 7.31–E(d)(3) (no midpoint execution when the market is locked or crossed); Nasdaq Rule 4703(d).

crossed.[23] At present, Midpoint Peg Post-Only Orders entered through RASH or FIX are repriced to the Midpoint of the NBBO if the NBBO subsequently becomes crossed or are cancelled if there is subsequently no NBBO. The Exchange is proposing to re-enter such Orders at the new Midpoint once there is a NBBO that is not crossed because the new NBBO is indicative of a valid price.

Similarly, the Exchange proposes to add language to Rule 3301B(d) [24] for Orders entered through RASH or FIX with Midpoint Pegging, whereby, if the Order is on the System Book and the Inside Bid and Inside Offer are subsequently crossed, or if there is subsequently no Inside Bid and/or Inside Offer, the Order will be removed from the System Book and will be reentered at the new Midpoint once there is a valid Inside Bid and Inside Offer that is not crossed. At present, Midpoint Pegged Orders entered through RASH or FIX are repriced to the Midpoint of the Inside Bid and Inside Offer if the Inside Bid and Inside Offer subsequently becomes crossed or are cancelled if there is subsequently no Inside Bid and/or Inside Offer. As with the change to Midpoint Peg Post-Only Orders, the Exchange is proposing to re-enter such Orders at the new Midpoint once there is an Inside Bid and Inside Offer that is not crossed because the new Midpoint of the Inside Bid and Inside Offer is indicative of a valid price.

The Exchange is proposing to re-enter Orders submitted through RASH or FIX because the Exchange typically assumes a more active role in managing the order flow submitted by users of these protocols, and this functionality reflects the order flow management practices of these participants.

While the Exchange is only proposing to adopt this re-entry functionality for Orders that are entered through RASH or FIX, the Exchange believes that it is appropriate to also modify the treatment of Midpoint Peg Post-Only Orders and Orders with Midpoint Pegging entered through OUCH or FLITE where the NBBO subsequently becomes crossed, or there is subsequently no NBBO or Inside Bid and/or Offer.

Accordingly, the Exchange proposes to amend Rule 3301A(b)(6)(B) to state that if, after a Midpoint Peg Post-Only Order entered through OUCH or FLITE is posted to the System Book, the Midpoint Peg Post-Only Order will be cancelled back to the Participant if any of the following conditions are met:

- There is no National Best Bid and/or National Best Offer;
- The Order to buy (sell) is entered with a limit price above (below) the Midpoint of the NBBO and is ranked at the Midpoint of the NBBO; thereafter, the NBBO changes so that the Midpoint changes and the Order is no longer at the NBBO Midpoint;
- The Order to buy (sell) is entered at a limit price that is equal to or less than (greater than) the Midpoint of the NBBO and is ranked at its limit price and thereafter, the NBBO changes so that the Midpoint of the NBBO is lower (higher) than the limit price of the Order;
- The Order to buy (sell) is entered at a limit price that is equal to or less than (greater than) the Midpoint of the NBBO and is ranked at its limit price, thereafter the NBBO becomes crossed, such that the Midpoint of the crossed NBBO remains equal to or higher (lower) than the limit price of the Order, and then a new sell (buy) Order is received at a price that locks or crosses the limit price of the resting Midpoint Peg Post-Only Order; or
- The Order to buy (sell) is entered at a limit price that is greater than (less than) the Midpoint of the NBBO and is therefore ranked at the Midpoint of the NBBO, thereafter the NBBO becomes crossed but the Midpoint does not change, and then a new sell (buy) Order is received at a price that locks or crosses the Midpoint of the NBBO.

The Exchange believes that the proposed language captures the new System behavior and further clarifies the current behavior as described in Rule 3301A(b)(6)(B) by the language:

> If, after being posted to the System book, the NBBO changes so that midpoint between the NBBO is lower than (higher than) the price of a Midpoint Peg Post-Only Order to buy (sell), the Midpoint Peg Post-Only Order will be cancelled back to the Participant.

The proposed language is more precise than the existing language because it draws specific attention to a Midpoint Peg Post-Only Order that posts to the System Book at its limit price verses a Midpoint Peg Post-Only Order with a limit price that is adjusted to post to the System Book at the Midpoint of the NBBO. Where the NBBO shifts after an Order to buy (sell) posts at its limit such that the Midpoint of the NBBO remains or becomes higher (lower) than the limit price of that Order, cancellation of the Order is unnecessary because the Order can simply remain on the Exchange Book at its limit price, while an Order that has posted at a price lower (higher) than its limit price will be cancelled following any change to the Midpoint of the NBBO.

Likewise, the new proposed language specifies the context under which a Midpoint Peg Post-Only Order will be cancelled when the NBBO subsequently becomes crossed. Specifically, when a Midpoint Peg Post-Only Order to buy (sell) posts at its limit price, then the NBBO subsequently becomes crossed but the Midpoint of the crossed NBBO remains equal to or higher (lower) than the limit price of the Order to buy (sell), the Order will only be cancelled if a new sell (buy) Order is received at a price that locks or crosses the limit price of the resting Order. Furthermore, the proposed language specifies that when the limit price of a Midpoint Peg Post-Only Order to buy (sell) is greater than (less than) the Midpoint of the NBBO and therefore posts at the Midpoint of the NBBO, then the NBBO subsequently becomes crossed but the Midpoint of the crossed NBBO does not change, the Exchange will only cancel the Order if the Exchange receives a new sell (buy) Order at a price that locks or crosses the Midpoint of the NBBO. Other than in these two circumstances, cancellation of an Order simply because the NBBO crosses is unnecessary. When an Order to buy (sell) is ranked at its limit price, and the NBBO becomes crossed while the Midpoint remains above (below) the limit price, the crossed market does not impact the Order, which can still rest on the Exchange Book at its limit price because the NBBO could uncross prior to the Order executing. Likewise, when an Order to buy (sell) is ranked at the Midpoint of the NBBO, then the NBBO becomes crossed but the Midpoint does not change, the crossed market also does not impact the Order, which can continue to rest on the Exchange Book at the Midpoint because the NBBO could uncross (with the Midpoint still remaining unchanged) prior to the Order executing.

Similarly, the Exchange proposes to amend Rule 3301B(d) to state that, after an Order with Midpoint Pegging entered through OUCH or FLITE is posted to the System Book, the Order with Midpoint Pegging will be cancelled back to the

[23] The Exchange proposes to amend Rule 3301A(b)(6)(A) to specify that it will not accept new Midpoint Peg Post-Only Orders while the NBBO is crossed or there is no NBBO.

[24] Also in Rule 3301B(d), the Exchange proposes to clarify that, even if the Inside Bid and Inside Offer are locked, an Order with Midpoint Pegging that locked an Order on the PSX Book would execute ''(provided, however, that a Midpoint Peg Post-Only Order would execute or post as described in Rule 3301A(b)(6)(A)).'' This clarification avoids confusion as to circumstances in which an Order with Midpoint Pegging would execute. The proposal also would conform the Exchange's Rule with the corresponding Nasdaq Rule 4703(d).

The Exchange furthermore proposes to amend Rule 3301B(d) to specify that it will not accept new Midpoint Peg Post-Only Orders while the NBBO is crossed or there is no NBBO.

participant if any of the following conditions are met:

- There is no Inside Bid and/or Inside Offer;
- The Order to buy (sell) is entered with a limit price above (below) the Midpoint and is ranked at the Midpoint; thereafter the Inside Bid and/or Inside Offer change so that the Midpoint changes and the Order is no longer at the Midpoint;
- The Order to buy (sell) is entered at a limit price that is equal to or less than (greater than) the Midpoint and is ranked at its limit price; thereafter, the Inside Bid and/or Inside Offer change so that the Midpoint is lower (higher) than the limit price of the Order;
- The Order to buy (sell) is entered at a limit price that is equal to or less than (greater than) the Midpoint and is ranked at its limit price, then the Inside Bid and Inside Offer become crossed, such that the Midpoint of the crossed Quotation remains equal to or higher (lower) than the limit price of the Order, and then a new sell (buy) Order is received at a price that locks or crosses the limit price of the resting Order marked for Midpoint Pegging;
- The Order to buy (sell) is entered at a limit price that is greater than (less than) the Midpoint and is therefore ranked at the Midpoint, then the Inside Bid and Inside Offer become crossed but the Midpoint does not change, and then a new sell (buy) Order is received at a price that locks or crosses the Midpoint of the Inside Bid and Inside Offer.

Again, the Exchange believes that the proposed language captures the new System behavior and further clarifies the current behavior as described in Rule 3301B(d) by the language:

> Thereafter, if the NBBO changes so that the Midpoint is lower than (higher than) the price of an Order to buy (sell), the Pegged Order will be cancelled back to the Participant.[25]

The Exchange intends for the proposed amendment to ensure consistency in the rationale and language between Rule 3301B(d) and the amended Rule 3301A(b)(6)(B) described above.[26] The Exchange also proposes to delete the following language from Rule 3301A(b)(3)(B), which describes the Non-Display Order Type:

> If a Non-Displayed Order entered through OUCH or FLITE is assigned a Midpoint Pegging Order Attribute, and if, after being posted to the PSX Book, the NBBO changes so that the Non-Displayed Order is no longer at the Midpoint between the NBBO, the Non-Displayed Order will be cancelled back to the Participant. In addition, if a Non-Displayed Order entered through OUCH or FLITE is assigned a Midpoint Pegging Attribute and also has a limit price that is lower than the midpoint between the NBBO for an Order to buy (higher than the midpoint between the NBBO for an Order to sell), the Order will nevertheless be accepted at its limit price and will be cancelled if the midpoint between the NBBO moves lower than (higher than) the price of an Order to buy (sell).

This language describes the behavior of a Non-Displayed Order with a Midpoint Pegging Attribute enabled, which is duplicative of the general description of the behavior of a Midpoint Pegging Attribute in Rule 3301B(d). The Exchange believes that the concept described in these two Rules is best stated only once to avoid unintended discrepancies. In this instance, the Exchange believes that the language is most appropriate for inclusion in Rule 3301B(d).

Examples

Below are examples of the operation of the proposed amendments to Rules 3301B(d) and 3301A(b)(6)(B) with respect to the cancellation of Midpoint Peg Post-Only Orders and Orders with Midpoint Pegging entered through OUCH or FLITE.

1. There is no National Best Bid and/or National Best Offer.

The National Best Bid (''NBB'') is $11.00 and the National Best Offer (''NBO'') is $11.06. A Midpoint Peg Post-Only Order to buy is posted at the Midpoint between the NBBO, at $11.03. At this point, all displayed liquidity on the sell side is reported to be removed by all Market Centers, such that an NBO no longer exists. In this circumstance, the Midpoint Peg Post-Only Order will be cancelled back to the Participant.

1. The Order to buy (sell) is entered with a limit price above (below) the Midpoint of the NBBO and is ranked at the Midpoint of the NBBO; thereafter, the NBBO changes so that the Order is no longer at the NBBO Midpoint.

The NBB is $11.00 and the NBO is $11.06. A Midpoint Peg Post-Only Order to buy is entered with a limit price of $11.04 and it posts at the Midpoint between the NBBO, at $11.03. If the NBO later shifts to $11.08, such that the Midpoint between the NBBO becomes $11.04, then the Midpoint Peg Post-Only Order will be cancelled back to the Participant.

2. The Order to buy (sell) is entered at a limit price that is equal to or less than (greater than) the Midpoint of the NBBO and is ranked at its limit price; thereafter, the NBBO changes so that the Midpoint of the NBBO is lower (higher) than the limit price of the Order.

The NBB is $11.00 and the NBO is $11.06. A Midpoint Peg Post-Only Order to buy is entered with a limit price of $11.03 and it posts at the Midpoint between the NBBO, at $11.03. If the NBO shifts thereafter to $11.08, such that the Midpoint between the NBBO becomes $11.04, then the Midpoint Peg Post-Only Order will remain on the Exchange Book unchanged. If, however, the NBO later shifts to $11.04, such that the Midpoint between the NBBO becomes $11.02, then the Midpoint Peg Post-Only Order will be cancelled back to the Participant.

3. The Order to buy (sell) is ranked at its limit price and the NBBO becomes crossed, such that the Midpoint of the crossed NBBO remains equal to or higher (lower) than the limit price of the Order, and a new sell (buy) Order is received at a price that locks or crosses the limit price of the resting Midpoint Peg Post-Only Order.

The NBB is $11.00 and the NBO is $11.06. A Midpoint Peg Post-Only Order to buy is entered with a limit price of $11.03 and it posts at the Midpoint between the NBBO, at $11.03. Subsequently, if the NBB shifts to $11.04, such that the Midpoint between the NBBO becomes $11.05, then the Midpoint Peg Post-Only Order will remain on the Exchange Book at its limit price of $11.03. If the NBO later shifts to cross the market at $11.02, then the Midpoint between the crossed NBBO will become $11.03 and the Midpoint Peg Post Only Order will remain on the Exchange Book unchanged. If, however, a new sell Order is received at $11.03 while the market is still crossed, then the Midpoint Peg Post Only Order will be cancelled back to the participant without execution.

4. The Order to buy (sell) is ranked at the Midpoint of the NBBO because the limit price of the Order is greater (less than) the Midpoint and the NBBO becomes crossed but the Midpoint does not change, then a new sell (buy) Order is received at a price that locks or crosses the Midpoint of the NBBO.

The NBB is $11.00 and the NBO is $11.06. A Midpoint Peg Post-Only Order to buy is entered with a limit price of $11.04 and it posts at the Midpoint between the NBBO, at $11.03. Subsequently, if the NBB shifts to $11.04 and the NBO simultaneously shifts to $11.02, thus instantaneously crossing the market, then the Midpoint between the crossed NBBO will remain at $11.03 and the Midpoint Peg Post Only Order will remain on the Exchange Book unchanged. If, however, a new sell

[25] To enhance the consistency of the Rule, the Exchange proposes to change references from the term ''NBBO'' to ''Inside Bid and Inside Offer.''

[26] Additionally, to avoid confusion, the Exchange proposes to amend Rule 3301A(b)(6)(A) to clarify that a Midpoint Peg Post-Only Order in the Rule's example is an Order to buy.

Order is received at $11.03 while the market is still crossed, then the Midpoint Peg Post Only Order will be cancelled back to the Participant without execution.

Finally, the Exchange is proposing to change certain instances in Rule 3301A and Rule 3301B that describe the cancellation or rejection of an Order. For example, Rule 3301A(b)(6)(A) currently states that, if the NBBO is locked when a Midpoint Peg Post-Only Order is entered, the Midpoint Peg Post-Only Order will be priced at the locking price, if the NBBO is crossed, it will nevertheless be priced at the midpoint between the NBBO, and if there is no NBBO, the Order will be rejected. Rule 3301A(b)(6)(A) also provides that a Midpoint Peg Post-Only Order that would be assigned a price of $1 or less per share will be rejected or cancelled, as applicable. Similarly, Rule 3301B(d) states that, in the case of an Order with Midpoint Pegging, if the Inside Bid and Inside Offer are locked, the Order will be priced at the locking price, if the Inside Bid and Inside Offer are crossed, the Order will nevertheless be priced at the midpoint between the Inside Bid and Inside Offer, and if there is no Inside Bid and/or Inside Offer, the Order will be rejected.

The Exchange proposes to change references to cancelling or rejecting an Order to ''not accepting'' an Order. Depending on the context, the reference to rejecting an Order may have one of two meanings.[27] The Exchange believes that changing references from rejecting or cancelling an Order to not accepting an Order is appropriate because the proposed language resolves the ambiguity that may arise when referring to an Order rejection, and is sufficiently broad to encompass the contexts in which the concept of Order rejection or cancellation may be used.

The foregoing proposed changes to Rule 3301A and 3301B mirror language that exists for the same Order Types and Order Attribute in the Nasdaq rulebook.[28]

* * * * *

The Exchange intends to implement its proposed rule change on or before the end of the Second Quarter of 2020. The Exchange will announce the new implementation date by an Equity Trader Alert, which shall be issued prior to the implementation date.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[29] in general, and furthers the objectives of Section 6(b)(5) of the Act,[30] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

Post-Only Orders

The Exchange is proposing to add a new functionality (cancelling a Post-Only Order instead of adjusting its price) that is not currently available on the Exchange, and that is consistent with functionalities that are currently offered by other exchanges. The Exchange believes that this new functionality is consistent with the Act because, as discussed above, it will provide Participants with greater flexibility when managing their order flow, which will promote the more efficient execution of Orders. The proposal is also consistent with the stated intent of the Post-Only Order, which is to avoid the display of quotations that would lock or cross a Protected Quotation. The Exchange believes that amending Rule 3301A(b)(4) to specify when an incoming Post-Only Order that locks or crosses a Protected Quotation on an away market center would execute is consistent with the Act because, as with other the instances pursuant to which a locking or crossing Post-Only Order will execute, the execution of the Post-Only Order would be economically beneficial to the Participant that entered the Order while contributing to the price discovery process.

Additionally, the proposal to allow Post-Only Orders to lock Non-Display Orders under certain circumstances will benefit investors and Participants by tightening bid/offer spreads, thereby enhancing execution quality on the Exchange. Second, Participants entering Post-Only Orders will be able to execute liquidity providing strategies more efficiently as the Order will, in most cases, only be subjected to price-sliding due to to a Protected Quotation on an away market center or Displayed Orders on the Exchange Book, and not due to Non-Displayed Orders, and not due to Non-Displayed Orders. Third, the proposed changes—including the provision stating that the adjusted price of Post-Only Orders that would lock or cross a Non-Displayed price will post in the same manner as a Price to Comply Order—will improve the interaction of Post-Only and Non-Display Orders as both Orders will be eligible for execution and the information leakage created due to the current interaction will be reduced. The Exchange believes the proposed changes will have no detrimental impact on any Participant or class of Participants, or on users of the Post-Only or Non-Display Order types or on users of other order types offered by the Exchange.

Minimum Quantity

The proposal will provide Participants, including institutional firms that ultimately represent individual retail investors in many cases, with better control over their Orders, thereby providing them with greater potential to improve the quality of their Order executions. Currently, Rule 3301B(e) allows a Participant to designate a minimum quantity on an Order that, upon entry, may aggregate multiple executions to meet the minimum quantity requirement. Once posted to the Exchange book, however, the minimum quantity requirement is equivalent to a minimum execution size requirement. The Exchange now proposes to provide a Participant with control over the execution of their Order with Minimum Quantity by giving them an option to designate the minimum individual execution size upon entry. The control offered by the proposed change is consistent with the various types of control currently provided by exchange order types. For example, the Exchange, Nasdaq, BX and other exchanges offer limit orders, which allow a Participant to control the price it will pay or receive for a stock. Similarly, exchanges offer order types that allow market participants to structure their trading activity in a manner that is more likely avoid certain transaction cost-related economic outcomes. Moreover, as noted above, other trading venues provide the very same functionality that the Exchange is proposing.

Additionally, the Exchange notes that this functionality is one that Participants—and in particular large institutional firms—have requested to avoid transacting with smaller Orders that they believe ultimately increase the cost of their transaction. The Exchange

[27] Specifically, an Order may be referred to as ''rejected'' if it is not initially accepted by the customer-facing Exchange interface. Alternatively, after an Order has been initially accepted by the customer-facing interface and is being transmitted from one Exchange interface to another, it may be ''rejected'' if the Order is not accepted by another part of the Exchange System for various reasons.

[28] See Securities Exchange Act Release No. 34–78908 (Sep 22, 2016), 81 FR 66702 (Sept 28, 2016) (SR–NASDAQ–2016–111); Securities Exchange Act Release No. 34–80593 (May 4, 2017), 82 FR 21860 (May 10, 2017) (SR–NASDAQ–2017–042); Securities Exchange Act Release No. 34–86774 (Aug 27, 2019), 84 FR 46075 (Sept 3, 2019) (SR–NASDAQ–2019–065).

[29] 15 U.S.C. 78f(b).

[30] 15 U.S.C. 78f(b)(5).

notes that proposed new optional functionality may improve the Exchange market by attracting more Order flow, which is currently trading on less transparent venues that contribute less to price discovery and price competition than executions and quotes that occur on lit exchanges. Such new Order flow will further enhance the depth and liquidity on the Exchange, which supports just and equitable principles of trade. Furthermore, the proposed modification to the Minimum Quantity Order Attribute is consistent with providing market participants greater control over the nature of their executions so that they may achieve their trading goals and improve the quality of their executions.

Trade Now

The Exchange's proposal to offer Trade Now functionality is consistent with the Act because Trade Now is an additional functionality that will facilitate the execution of locked or crossed Orders, thereby increasing the efficient functioning of the Exchange's market. The Trade Now functionality is an optional feature, and is designed to reflect both the objectives of the Exchange's market, and the order flow management practices of various market participants. For these reasons, the Trade Now functionality will only be made available for Orders that are entered in and may be locked or crossed by a Displayed Order on the continuous book, and, depending on the protocol, will be offered as either the Reactive Trade Now or Non-Reactive Trade Now functionality.

Midpoint Peg Post-Only Orders and Orders With Midpoint Pegging

The Exchange believes that the midpoint of a crossed market, or where there is no NBBO (or Inside Bid and/or Inside Offer), is not a clear and accurate indication of a valid price and may produce sub-optimal execution prices for members and investors. As such, preventing the execution of Midpoint-Pegged Orders when the NBBO is crossed or where there is no NBBO (or Inside Bid and/or Inside Offer) will result in higher overall execution quality for members. The proposal adopts new functionality for Midpoint Peg Post-Only Orders and Orders with Midpoint Pegging, after initial entry and posting to the System Book and where the NBBO (or Inside Bid and Inside Offer) subsequently becomes crossed or where there is subsequently no NBBO (or Inside Bid and/or Inside Offer). Furthermore, the amendments reflect the order flow management practices of participants who have selected from the available order submission protocols, *e.g.,* cancelling and re-submitting such Orders that are entered through RASH or FIX; cancelling Orders that are submitted through OUCH or FLITE in the case of no NBBO (or Inside Bid and/or Inside Offer); or canceling Orders that are submitted through OUCH or FLITE when the NBBO (or Inside Bid and Inside Offer) becomes crossed and a new Order is received that locks or crosses the price at which the Midpoint Pegged Order is resting.

Furthermore, the proposal protects investors by clearly describing the circumstances in which the Exchange will not cancel Midpoint-Pegged Orders entered using OUCH or FLITE. That is, the Exchange believes that the concept of a limit price fairly implies that the Exchange has no need to cancel a Midpoint-Pegged Order to buy (sell) when such an Order is posted at its limit price and the NBBO (or Inside Bid and Inside Offer) shifts thereafter but the Midpoint remains above (below) the limit price. The proposal explains that the Exchange will cancel a Midpoint-Pegged Order posted at its limit price if the NBBO (or Inside Bid and Inside Offer) shifts after entry such that the Midpoint becomes lower (higher) than the limit price. In this circumstance, cancellation is warranted because the Order would need to be re-priced, and a Midpoint-Pegged Order entered using OUCH or FLITE cannot be re-priced.

Similarly, the Exchange believes it is helpful to investors to clarify the circumstances in which the Exchange does and does not cancel Midpoint-Pegged Orders, entered using OUCH or FLITE, when the market becomes crossed. Although cancellation is warranted to prevent Orders from actually executing in a crossed market, the Exchange does not believe cancellation is warranted simply because the markets cross so long as a possibility remains for the markets to become uncrossed again prior to an execution occurring. Thus, the Exchange proposes that it will not cancel a Midpoint-Pegged Order to buy (sell) when the Order is ranked at its limit price and the NBBO (or Inside Bid and Inside Offer) becomes crossed thereafter while the Midpoint remains equal to or more aggressive than its limit price, so long as a new sell (buy) Order is not received that locks or crosses the limit price of the resting Midpoint-Pegged Order. Likewise, as was also discussed above, the Exchange proposes that it will not cancel a Midpoint-Pegged Order that is ranked at the Midpoint of the NBBO (or Inside Bid and Inside Offer) when the market becomes crossed, provided that while the market is crossed, the Midpoint of the crossed NBBO (or Inside Bid and Inside Offer) does not change [31] and the Exchange does not receive a new Order that would lock or cross the Midpoint. Cancellation is unnecessary in these scenarios because the Midpoint-Pegged Order can continue to rest at its limit price or the Midpoint, respectively, while the market is crossed and because the market may become uncross again without triggering a cancelation condition.

The Exchange believes that the proposed clarifying changes and revised rule text under Rule 3301A(b)(6)(A) are consistent with the Act because they will help avoid investor confusion that may be caused by not clarifying that a Midpoint Peg Post-Only Order in the Rule's example is an Order to buy.

Finally, the proposal to remove duplicative language from Rule 3301A(b)(3)(B), pertaining to Non-Displayed Orders with Midpoint Pegging, is consistent with the Act because the affected language is also stated in Rule 3301B(d) and it will reduce the possibility of future inconsistencies. Also, replacing certain references to rejecting or cancelling an Order to ''not accepting'' an Order is consistent with the Act because the proposed language encompasses the contexts in which the concept of order rejection or cancellation may be used and resolves any ambiguity that may arise when referring to an Order rejection.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Post-Only

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Post-Only Order is an optional Order Type that is available for entry through multiple Exchange Order entry protocols. No Participant is required to use any specific Order Type or Attribute or even to use any Exchange Order Type or Attribute or any Exchange functionality at all. If an Exchange

[31] If at any point after the Midpoint-Pegged Order posts to the Exchange Book at the Midpoint, the NBBO (Inside Bid and Inside Offer) changes so that the price of the Order is no longer at the Midpoint, then the order must be cancelled because orders entered through OUCH or FLITE cannot be re-priced.

Participant believes for any reason that the proposed rule change will be detrimental, that perceived detriment can be avoided by choosing not to enter or interact with the Order Types modified by this proposed rule change. The proposed changes are pro-competitive, moreover, because they will provide Participants with a functionality that is not currently available on the Exchange, and that is consistent with functionalities that are currently offered by other exchanges. The proposed changes will apply equally to all Orders that meet the proposed criteria. This functionality will facilitate the more efficient execution of order flow, which could increase the Exchange's market quality and thereby promote competition by attracting additional liquidity to the Exchange.

Minimum Quantity

The proposed change to the Minimum Quantity Order Attribute will allow Participants to condition the processing of their Orders based on a minimum execution size. The changes to the Minimum Quantity Order Attribute will enhance the functionality offered by the Exchange to Participants, thereby promoting its competitiveness with other exchanges and non-exchange trading venues that already offer the same or similar functionality. As a consequence, the proposed change will promote competition among exchanges and their peers, which, in turn, will decrease the burden on competition rather than place an unnecessary burden thereon.

Trade Now

The Exchange does not believe that its proposal to adopt Trade Now functionality will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This is an optional functionality, and which may be used equally by similarly-situated participants. Although the functionality of the Trade Now instruction will differ depending upon the protocol that is used to access the Exchange, the Exchange believes that the difference in functionality reflects the different ways in which participants enter and manage their order flow.

Midpoint Peg Post-Only Orders and Orders With Midpoint Pegging

For similar reasons, the Exchange does not believe that its proposals to amend its rules regarding Midpoint Peg Post-Only Orders and Orders with Midpoint Pegging will impose an undue burden on competition. To the contrary, by clarifying the circumstances in which such Orders will execute, cancel, or be removed and re-entered on the Exchange Book when the NBBO (or Inside Bid and Inside Offer) becomes crossed or when there is no NBBO (or Inside Bid and/or Inside Offer), the Exchange will bolster its competitiveness vis-à-vis other exchanges. Indeed, the proposed clarifications will help protect Exchange participants from executing orders at sub-optimal prices while also improving the efficiency of their order flow management processes. Moreover, the proposals will render the Exchange's functionality for these Orders similar to that of other exchanges, including Nasdaq.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [32] and Rule 19b–4(f)(6) thereunder.[33]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2020–15 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2020–15. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2020–15, and should be submitted on or before May 4, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–07653 Filed 4–10–20; 8:45 am]

BILLING CODE 8011–01–P

[32] 15 U.S.C. 78s(b)(3)(A).

[33] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88576; File No. SR–NYSEARCA–2020–27]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Amend the NYSE Arca Options Fee Schedule

April 7, 2020.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 31, 2020, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Options Fee Schedule (''Fee Schedule'') to modify the calculations for certain aspects of the Floor Broker Prepayment Program to account for the recent closure of the Trading Floor. The Exchange proposes to implement the fee change effective March 31, 2020.[4] The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange originally filed to amend the Fee Schedule on March 24, 2020 (SR–NYSEArca–2020–24) and withdrew such filing on March 31, 2020.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule to modify the calculations for certain aspects of the Floor Broker Prepayment Program to account for the recent closure of the Trading Floor. The Exchange proposes to implement the fee change effective March 31, 2020.

On March 18, 2020, the Exchange announced that it would temporarily close the Trading Floor, effective Monday, March 23, 2020, as a precautionary measure to prevent the potential spread of COVID–19. Because the Trading Floor is closed, Floor Brokers cannot engage in open outcry trading, which impacts their ability to qualify for certain pricing incentives tied to manual volume.

Specifically, participants in the Floor Broker Prepayment Program (the ''FB Prepay Program'' or ''Program'') [5] may qualify for the Percentage Growth Incentive portion of that program (the ''Growth Incentive'') by increasing their average daily volume (''ADV'') in billable manual contract sides by certain percentages (correlated with Tiers) as measured against (the greater of) one of two benchmarks.[6] Per the Fee Schedule, to qualify for the Growth Incentive, a participating Floor Broker organization must increase their ADV for the calendar year, above the greater of 20,000 contract sides in billable manual ADV; or 105% of the Floor Broker's total billable manual ADV in contract sides during the second half of 2017—*i.e.,* July through December 2017.

Current Floor Broker participants have already prepaid into the Program as of the end of 2019 and could not have anticipated at that time that the Trading Floor would have been closed in 2020, which will impact their ability to increase their billable manual contract sides to qualify for the Growth Incentive. Thus, the Exchange proposes to modify the FB Prepay Program to provide that ''[w]hen calculating the increase in a Floor Broker organization's ADV, the Exchange may exclude any trading day when open outcry on the Trading Floor is unavailable for a full day.'' [7] The Exchange believes this change would allow Exchange incentives to operate as intended and would also facilitate fair and orderly markets, particularly given that participants in the Program could not have foreseen that the Trading Floor would have been temporarily closed.

Absent the proposed change, participating Floor Brokers could experience an unintended increase in the cost of trading on the Exchange, a result that is unintended and undesirable to the Exchange and its Floor Brokers participating in the Program. The Exchange believes that excluding trading days when the Trading Floor is unavailable would provide member organizations with greater certainty as to their monthly costs and diminish the likelihood of an effective increase in the cost of trading. Further, the Exchange's proposal is consistent with the provision in the Fee Schedule that allows the Exchange to exclude from its monthly calculations of contract volume any day that (1) the Exchange is not open for the entire trading day and/or (2) a disruption affects an Exchange system that lasts for more than 60 minutes during regular trading hours'' (*i.e.,* the ''System Disruption exclusion'').[8]

The Exchange cannot predict with certainty whether any Floor Brokers would qualify for a higher Growth Incentive tier (and this [sic] a higher credit) as a result of this proposed fee change. However, without this proposed change, all participants in the Program would be impacted as the Floor Closure prevents them from engaging in any open outcry trading.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[10] in particular,

[5] *See* Fee Schedule, FLOOR BROKER FIXED COST PREPAYMENT INCENTIVE PROGRAM (the ''FB Prepay Program''), *available here, https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf* (providing that participants may prepay their Eligible Fixed Costs for a 10% discount, which costs include: OTP Trading Participant Rights—Floor Broker; Floor Broker Order Capture Device-Market Data Fees; Floor Booths; Options Floor Access Fee; and Wire Services).

[6] The Percentage Growth Incentive excludes Customer volume, Firm Facilitation and Broker Dealer facilitating a Customer trades, and QCCs. Any volume calculated to achieve the Firm and Broker Dealer Monthly Fee Cap and the Limit of Fees on Options Strategy Executions, are likewise excluded from the Percentage Growth Incentive because fees on such volume is already capped and therefore does not increase billable manual volume. *See id.*

[7] *See* proposed Fee Schedule, FLOOR BROKER FIXED COST PREPAYMENT INCENTIVE PROGRAM (the ''FB Prepay Program'').

[8] *See* Fee Schedule, NYSE Arca OPTIONS: TRADE–RELATED CHARGES FOR STANDARD OPTIONS, TRANSACTION FEE FOR ELECTRONIC EXECUTIONS—PER CONTRACT and Endnote 8, *supra* note 5.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Rule Change is Reasonable

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [11]

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange currently has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[12] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades in January 2020.[13]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees. Stated otherwise, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

The Exchange believes that it is reasonable to permit the Exchange to exclude trading days when the Trading Floor is closed from the calculation of a Floor Broker organization's ADV for purposes of the Program because it preserves the Exchange's intent behind adopting volume-based pricing and allows the Growth Inventive to operate as intended. Similarly, the Exchange believes that its proposal is reasonable because it would provide participating Floor Brokers with a greater level of certainty as to their level of rebates and costs for trading in any month where open outcry trading in unavailable, including the current period while the Trading Floor is temporarily closed. The Exchange is not proposing to amend the thresholds that Floor Brokers must achieve to become eligible for, or the dollar value associated with, the tiered rebates or fees. By eliminating the inclusion of a trading day on which open outcry trading was unavailable, the Exchange would be making it more likely for Floor Brokers to meet the minimum or higher tier thresholds and thus incentivizing them to increase their participation on the Exchange in order to meet the next highest tier on days when the Trading Floor is open.

The Exchange further believes that the proposal is reasonable because the proposed exclusion seeks to avoid penalizing Floor Brokers that might otherwise qualify for certain tiered pricing associated with the Growth Incentive but that, because of the unavailability of open outcry trading during the period when the Trading Floor is temporarily closed, would not participate to the extent that they might have otherwise participate [sic]

The Exchange cannot predict with certainty whether any Floor Brokers would qualify for a higher Growth Incentive tier (and this [sic] a higher credit) as a result of this proposed fee change. However, without this proposed change, all participants in the Program would be impacted as the Floor Closure prevents them from engaging in any open outcry trading.

The Proposed Rule Change is an Equitable Allocation of Credits and Fees

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits. The proposal is designed to account for trading days when open outcry trading is unavailable so as not to penalize Floor Brokers participating in the Program who may opt to avail themselves of the Growth Incentive. Absent the proposed change, participating Floor Brokers could experience an unintended increase in the cost of trading on the Exchange, a result that is unintended and undesirable to the Exchange and its Floor Brokers participating in the Program. Moreover, the proposals are designed to encourage Floor Brokers to continue to aggregate their executions at the Exchange as a primary execution venue. To the extent that the proposed changes attract more Manual volume to the Exchange once the Trading Floor reopens, this increased order flow would continue to make the Exchange a more competitive venue for order execution. Thus, the Exchange believes the proposed rule changes would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery.

The Proposed Rule Change is not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory because the proposed modifications would affect all similarly-situated market participants on an equal and non-discriminatory basis. The Exchange is not proposing any changes to the Program, but rather, is proposing to amend the Fee Schedule to reflect that Floor Brokers would be uniquely impacted by the temporary closing of the Trading Floor because they are not able to engage in open outcry trading during this period. In addition, the methodology for the monthly ADV calculations for billable manual contract sides would apply equally to all Floor Brokers participating in the Program.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [14]

[11] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (''Reg NMS Adopting Release'').

[12] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, *available here: https://www.theocc.com/market-data/volume/default.jsp.*

[13] Based on OCC data, *see id,* the Exchange's market share in equity-based options increase slightly from 9.57% for the month of January 2019 to 9.59% for the month of January 2020.

[14] *See* Reg NMS Adopting Release, *supra* note 11, at 37499.

Intramarket Competition. The proposed change is designed to continue to attract Floor Broker order flow to the Exchange by eliminating days when open outcry trading is unavailable for purposes of the Growth Incentive. To the extent that this purpose is achieved, all of the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange. The Exchange notes that the proposed change is likewise consistent with the Exchange's System Disruption exclusion.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the 16 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange currently has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[15] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in January 2020, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades.[16]

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner designed to continue to encourage Floor Brokers to direct (open outcry) trading interest to the Exchange, to provide liquidity and to attract order flow. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market quality and increased opportunities for price improvement.

[15] *See supra* note 12.

[16] Based on OCC data, *supra* note 13, the Exchange's market share in equity-based options increase slightly from 9.57% for the month of January 2019 to 9.59% for the month of January 2020.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [17] of the Act and subparagraph (f)(2) of Rule 19b–4 [18] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [19] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2020–27 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2020–27. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2020–27 and should be submitted on or before May 4, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–07657 Filed 4–10–20; 8:45 am]

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[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(2).

[19] 15 U.S.C. 78s(b)(2)(B).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88574; File No. SR–NYSEAMER–2020–24]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Amend the NYSE American Options Fee Schedule

April 7, 2020.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 31, 2020, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE American Options Fee Schedule (''Fee Schedule'') to modify the calculations for certain aspects of the Floor Broker Prepayment Program to account for the recent closure of the Trading Floor. The Exchange proposes to implement the fee change effective March 31, 2020.[4] The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule to modify the calculations for certain aspects of the Floor Broker Prepayment Program to account for the recent closure of the Trading Floor. The Exchange proposes to implement the fee change effective March 31, 2020.

On March 18, 2020, the Exchange announced that it would temporarily close the Trading Floor, effective Monday, March 23, 2020, as a precautionary measure to prevent the potential spread of COVID–19. Because the Trading Floor is closed, Floor Brokers cannot engage in open outcry trading, which impacts their ability to qualify for certain pricing incentives tied to manual volume.

Specifically, participants in the Floor Broker Prepayment Program (the ''FB Prepay Program'' or ''Program'')[5] may qualify for the Percentage Growth Incentive portion of that program (the ''Growth Incentive'') by increasing their average daily volume (''ADV'') in billable manual contract sides by certain percentages (correlated with Tiers) as measured against (the greater of) one of two benchmarks.[6] Per the Fee Schedule, to qualify for the Growth Incentive, a participating Floor Broker organization must increase their ADV for the calendar year, above the greater of 20,000 contract sides in billable manual ADV; or 105% of the Floor Broker's total billable manual ADV in contract sides during the second half of 2017—*i.e.,* July through December 2017.

Current Floor Broker participants have already prepaid into the Program as of the end of 2019 and could not have anticipated at that time that the Trading Floor would have been closed in 2020, which will impact their ability to increase their billable manual contract sides to qualify for the Growth Incentive. Thus, the Exchange proposes to modify the FB Prepay Program to provide that ''[w]hen calculating the increase in a Floor Broker organization's ADV, the Exchange may exclude any trading day when open outcry on the Trading Floor is unavailable for a full day.''[7] The Exchange believes this change would allow Exchange incentives to operate as intended and would also facilitate fair and orderly markets, particularly given that participants in the Program could not have foreseen that the Trading Floor would have been temporarily closed.

Absent the proposed change, participating Floor Brokers could experience an unintended increase in the cost of trading on the Exchange, a result that is unintended and undesirable to the Exchange and its Floor Brokers participating in the Program. The Exchange believes that excluding trading days when the Trading Floor is unavailable would provide member organizations with greater certainty as to their monthly costs and diminish the likelihood of an effective increase in the cost of trading. Further, the Exchange's proposal is consistent with the provision in the Fee Schedule that allows the Exchange to exclude from its monthly calculations of contract volume any day that (1) the Exchange is not open for the entire trading day and/or (2) a disruption affects an Exchange system that lasts for more than 60 minutes during regular trading hours'' (*i.e.,* the ''System Disruption exclusion'').[8]

The Exchange cannot predict with certainty whether any Floor Brokers would qualify for a higher Growth Incentive tier (and this [sic] a higher credit) as a result of this proposed fee change. However, without this proposed change, all participants in the Program would be impacted as the Floor Closure prevents them from engaging in any open outcry trading.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[10] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Rule Change is Reasonable

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its

[4] The Exchange originally filed to amend the Fee Schedule on March 24, 2020 (SR–NYSEAMER–2020–21) and withdrew such filing on March 31, 2020.

[5] *See* Fee Schedule, Section III.E., Floor Broker Fixed Cost Prepayment Incentive Program (the ''FB Prepay Program''), *available here, https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf* (providing that participants may prepay their Eligible Fixed Costs for a 10% discount, which costs include: Section III.A. Monthly ATP Fees; Section III.B. Floor Access Fee; and Section IV. Monthly Floor Communication, Connectivity, Equipment and Booth or Podia Fees, specifically: Login, Transport Charges, Booth Premises, Telephone Service, Cellular Phones, Booth Telephone System—Line Charge, Booth Telephone System—Single line phone jack and data jack, and Wire Services).

[6] The Percentage Growth Incentive excludes Customer volume, Firm Facilitation trades and QCCs. Any volume calculated to achieve the Firm and Broker Dealer Monthly Fee Cap and the Limit of Fees on Options Strategy Executions, are likewise excluded from the Percentage Growth Incentive because fees on such volume is already capped and therefore does not increase billable manual volume. *See id.*

[7] *See* proposed Fee Schedule, Section III.E., Floor Broker Fixed Cost Prepayment Incentive Program (the ''FB Prepay Program'').

[8] *See* Fee Schedule, Preface, System Disruptions, *supra* note 5.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

broader forms that are most important to investors and listed companies.'' [11]

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange currently has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[12] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades in January 2020.[13]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees. Stated otherwise, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

The Exchange believes that it is reasonable to permit the Exchange to exclude trading days when the Trading Floor is closed from the calculation of a Floor Broker organization's ADV for purposes of the Program because it preserves the Exchange's intent behind adopting volume-based pricing and allows the Growth Inventive to operate as intended. Similarly, the Exchange believes that its proposal is reasonable because it would provide participating Floor Brokers with a greater level of certainty as to their level of rebates and costs for trading in any month where open outcry trading in unavailable, including the current period while the Trading Floor is temporarily closed. The Exchange is not proposing to amend the thresholds that Floor Brokers must achieve to become eligible for, or the dollar value associated with, the tiered rebates or fees. By eliminating the inclusion of a trading day on which open outcry trading was unavailable, the Exchange would be making it more likely for Floor Brokers to meet the minimum or higher tier thresholds and thus incentivizing them to increase their participation on the Exchange in order to meet the next highest tier on days when the Trading Floor is open.

The Exchange further believes that the proposal is reasonable because the proposed exclusion seeks to avoid penalizing Floor Brokers that might otherwise qualify for certain tiered pricing associated with the Growth Incentive but that, because of the unavailability of open outcry trading during the period when the Trading Floor is temporarily closed, would not participate to the extent that they might have otherwise participated.

The Exchange cannot predict with certainty whether any Floor Brokers would qualify for a higher Growth Incentive tier (and this [sic] a higher credit) as a result of this proposed fee change. However, without this proposed change, all participants in the Program would be impacted as the Floor Closure prevents them from engaging in any open outcry trading.

The Proposed Rule Change is an Equitable Allocation of Credits and Fees

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits. The proposal is designed to account for trading days when open outcry trading is unavailable so as not to penalize Floor Brokers participating in the Program who may opt to avail themselves of the Growth Incentive. Absent the proposed change, participating Floor Brokers could experience an unintended increase in the cost of trading on the Exchange, a result that is unintended and undesirable to the Exchange and its Floor Brokers participating in the Program. Moreover, the proposals are designed to encourage Floor Brokers to continue to aggregate their executions at the Exchange as a primary execution venue. To the extent that the proposed changes attract more Manual volume to the Exchange once the Trading Floor reopens, this increased order flow would continue to make the Exchange a more competitive venue for order execution. Thus, the Exchange believes the proposed rule changes would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery.

The Proposed Rule Change is not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory because the proposed modifications would affect all similarly-situated market participants on an equal and non-discriminatory basis. The Exchange is not proposing any changes to the Program, but rather, is proposing to amend the Fee Schedule to reflect that Floor Brokers would be uniquely impacted by the temporary closing of the Trading Floor because they are not able to engage in open outcry trading during this period. In addition, the methodology for the monthly ADV calculations for billable manual contract sides would apply equally to all Floor Brokers participating in the Program.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [14]

Intramarket Competition. The proposed change is designed to continue to attract Floor Broker order flow to the Exchange by eliminating days when open outcry trading is unavailable for purposes of the Growth Incentive. To the extent that this purpose is achieved, all of the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange. The Exchange notes that the proposed change is likewise consistent with the Exchange's System Disruption exclusion.

Intermarket Competition. The Exchange operates in a highly competitive market in which market

[11] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (''Reg NMS Adopting Release'').

[12] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, *available here: https://www.theocc.com/market-data/volume/default.jsp.*

[13] Based on OCC data, *see id.,* the Exchange's market share in equity-based options declined from 9.82% for the month of January 2019 to 8.08% for the month of January 2020.

[14] *See* Reg NMS Adopting Release, *supra* note 11, at 37499.

participants can readily favor one of the 16 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange currently has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[15] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity & ETF options order flow. More specifically, in January 2020, the Exchange had less than 10% market share of executed volume of multiply-listed equity & ETF options trades.[16]

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner designed to continue to encourage Floor Brokers to direct (open outcry) trading interest to the Exchange, to provide liquidity and to attract order flow. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market quality and increased opportunities for price improvement.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[17] of the Act and subparagraph (f)(2) of Rule 19b–4[18] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[19] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2020–24 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2020–24. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street, NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2020–24 and should be submitted on or before May 4, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–07654 Filed 4–10–20; 8:45 am]

BILLING CODE 8011–01–P

[15] *See supra* note 12.

[16] Based on OCC data, *supra* note 13, the Exchange's market share in equity-based options declined from 9.82% for the month of January 2019 to 8.08% for the month of January 2020.

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(2).

[19] 15 U.S.C. 78s(b)(2)(B).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88581; File No. SR–Phlx–2020–17]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Phlx's Pricing Schedule at Options 7, Section 4

April 7, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 30, 2020, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Phlx's Pricing Schedule at Options 7, Section 4, ''Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed).''

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Phlx proposes to amend its pricing within Options 7, Section 4, ''Multiply Listed Options Fees (Includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed)'' to permit the strategy caps, which currently apply to the buy and sell side of a transaction that originate from the Exchange floor, to also apply to Floor Qualified Contingent Cross Orders.

Phlx open outcry trading closed on March 17, 2020 due to measures taken by the Exchange to prevent the spread of the Coronavirus Disease (COVID–19).[3] Phlx intends to permit Floor Brokers, on a temporary basis, to access and utilize, in a limited capacity, the Floor Based Management System (FBMS) from a remote location other than the Phlx Trading Floor. Phlx will permit, pursuant to Options 8, Section 32, to make all order types unavailable, with the exception of Section 32(e) Floor Qualified Contingent Cross Orders (''QCC''), for execution within FBMS.[4] Today, Phlx applies the below strategy caps to the buy and sell side of a transaction, which must originate from the Exchange floor:

Floor options transactions—multiply listed options	Strategy	Qualification	Cap
Lead Market Maker, Market Maker, Professional, Firm and Broker-Dealer.	dividend	executed on the same trading day in the same options class when such members are trading: (1) In their own proprietary accounts; or (2) on an agency basis. If transacted on an agency basis, the daily cap will apply per beneficial account.	$1,100
Lead Market Maker, Market Maker, Professional, Firm and Broker-Dealer.	reversal and conversion, merger, short stock interest, jelly roll, and box spread strategies.	executed on the same trading day for all options classes in the aggregate when such members are trading (1) in their own proprietary accounts; or (2) on an agency basis. If transacted on an agency basis, the daily cap will apply per beneficial account.	$1,100
Per member organization	dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategies (''Monthly Strategy Cap'').	combined executions in a month when trading in its own proprietary accounts.	$65,000

• Reversal and conversion, jelly roll and box spread strategy executions will not be included in the Monthly Strategy Cap for a Firm. Reversal and conversion, jelly roll and box spread strategy executions (as defined in this Options 7, Section 4) are included in the Monthly Firm Fee Cap. All dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategy executions (as defined in this Options 7, Section 4) will be excluded from the Monthly Market Maker Cap. NDX and NDXP Options Transactions will be excluded from Strategy Cap pricing.

In light of the recent closure of open outcry, the Exchange proposes to apply the strategy caps within Options 7, Section 4 to qualifying strategies executed as Floor QCC Orders. The Exchange offers strategy caps for various types of strategies, including dividend,[5] merger,[6] short stock interest,[7] reversal and conversion,[8] jelly roll [9] and box spread [10] strategies. The Exchange proposes to amend the rule text within Options 7, Section 4 to provide, ''To qualify for a strategy cap, the buy and sell side of a transaction must originate either from the Exchange Trading Floor or as a Floor Qualified Contingent Cross Order.'' The Exchange is changing ''floor'' to ''Trading Floor'' to be more specific. The Exchange believes that this proposal will allow members to avail themselves of the strategy caps within Options 7, Section 4 to the extent that they execute qualifying strategies as Floor QCC Orders, as open outcry is unavailable.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the

[3] *See* Options Trader Alert #2020–7.

[4] Floor QCC transactions do not require exposure in open outcry. Additionally, Floor Brokers may also place orders on the limit order book electronically through the FBMS pursuant to Options 8, Section 28(g).

[5] A dividend strategy is defined as transactions done to achieve a dividend arbitrage involving the purchase, sale and exercise of in-the-money options of the same class, executed the first business day prior to the date on which the underlying stock goes ex-dividend. *See* Options 7, Section 4.

[6] A merger strategy is defined as transactions done to achieve a merger arbitrage involving the purchase, sale and exercise of options of the same class and expiration date, executed the first business day prior to the date on which shareholders of record are required to elect their respective form of consideration, *i.e.,* cash or stock. *See* Options 7, Section 4.

[7] A short stock interest strategy is defined as transactions done to achieve a short stock interest arbitrage involving the purchase, sale and exercise of in-the-money options of the same class. *See* Options 7, Section 4.

[8] Reversal and conversion strategies are transactions that employ calls and puts of the same strike price and the underlying stock. Reversals are established by combining a short stock position with a short put and a long call position that shares the same strike and expiration. Conversions employ long positions in the underlying stock that accompany long puts and short calls sharing the same strike and expiration. *See* Options 7, Section 4.

[9] A jelly roll strategy is defined as transactions created by entering into two separate positions simultaneously. One position involves buying a put and selling a call with the same strike price and expiration. The second position involves selling a put and buying a call, with the same strike price, but with a different expiration from the first position. *See* Options 7, Section 4.

[10] A box spread strategy is a strategy that synthesizes long and short stock positions to create a profit. Specifically, a long call and short put at one strike is combined with a short call and long put at a different strike to create synthetic long and synthetic short stock positions, respectively. *See* Options 7, Section 4.

[11] 15 U.S.C. 78f(b).

objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[12] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [13]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [14] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[15] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [16]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [17] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

The Exchange's proposal to permit qualifying strategies executed as Floor QCC Orders to qualify for a strategy cap is reasonable. Since Phlx's open outcry trading is currently unavailable, members are unable to qualify for strategy caps by transacting qualifying strategies that originate from the Trading Floor. Members are able to execute Floor QCC Orders through a remote connection to FBMS as Floor QCC Orders do not require exposure in open outcry. Floor QCC Orders are distinct from Qualified Contingent Cross orders submitted electronically.[18] The Exchange continues to permit strategy caps to apply to Trading Floor members only with this proposal. The Exchange's proposal to amend Options 7, Section 4 to extend the criteria to qualify for a strategy cap to Floor QCC Orders that qualify as a strategy will allow members to benefit from the strategy caps within Options 7, Section 4.

The Exchange's proposal to permit qualifying strategies executed as Floor QCC Orders to qualify for a strategy cap is equitable and not unreasonably discriminatory. Any member who transacts a qualifying strategy as a Floor QCC Order will be entitled to cap their strategies as provided for within Options 7, Section 4, provided the cap qualifications within Options 7, Section 4 are met.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Inter-Market Competition

The proposal does not impose an undue burden on inter-market competition. The Exchange believes its proposal remains competitive with other options markets and will offer market participants with another choice of where to transact options. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

Intra-Market Competition

The proposed amendments do not impose an undue burden on intra-market competition.

The Exchange's proposal to permit qualifying strategies executed as Floor QCC Orders to qualify for a strategy cap does not impose an undue burden on competition. Any member who transacts a qualifying strategy as a Floor QCC Order will be entitled to cap their strategies as provided for within Options 7, Section 4, provided the cap qualifications within Options 7, Section 4 are met.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2020–17 on the subject line.

[12] 15 U.S.C. 78f(b)(4) and (5).

[13] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[14] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[15] *See NetCoalition,* at 534–535.

[16] *Id.* at 537.

[17] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[18] *See* Options 3, Section 7(b)(8).

[19] 15 U.S.C. 78s(b)(3)(A)(ii).

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2020–17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2020–17 and should be submitted on or before May 4, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–07655 Filed 4–10–20; 8:45 am]

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[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88580; File No. SR–NYSE–2020–24]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Current Pilot Program Related to Rule 7.10

April 7, 2020.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 27, 2020, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the current pilot program related to Rule 7.10 (Clearly Erroneous Executions) to the close of business on October 20, 2020. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to extend the current pilot program related to Rule 7.10 (Clearly Erroneous Executions) to the close of business on October 20, 2020. The pilot program is currently due to expire on April 20, 2020.

On September 10, 2010, the Commission approved, on a pilot basis, changes to Rule 128 (Clearly Erroneous Executions) that, among other things: (i) Provided for uniform treatment of clearly erroneous execution reviews in multi-stock events involving twenty or more securities; and (ii) reduced the ability of the Exchange to deviate from the objective standards set forth in the rule.[4] In 2013, the Exchange adopted a provision to Rule 128 designed to address the operation of the Plan.[5] Finally, in 2014, the Exchange adopted two additional provisions to Rule 128 providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions; and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[6] Rule 128 is no longer applicable to any securities that trade on the Exchange and has been replaced with Rule 7.10, which is substantively identical to Rule 128.[7]

These changes were originally scheduled to operate for a pilot period to coincide with the pilot period for the Plan to Address Extraordinary Market Volatility (the ''Limit Up-Limit Down

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–NYSE–2010–47).

[5] *See* Securities Exchange Act Release No. 68804 (Feb. 1, 2013), 78 FR 8677 (Feb. 6, 2013) (SR–NYSE–2013–11).

[6] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–NYSE–2014–22).

[7] *See* Securities Exchange Act Release Nos. 82945 (March 26, 2019), 83 FR 13553, 13565 (March 29, 2019) (SR–NYSE–2017–36) (Approval Order) and 85962 (May 29, 2019), 84 FR 26188, 26189 n.13 (June 5, 2019) (SR–NYSE–2019–05) (Approval Order).

Plan'' or ''LULD Plan''),[8] including any extensions to the pilot period for the LULD Plan.[9] In April 2019, the Commission approved an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis.[10] In light of that change, the Exchange amended Rules 7.10 and 128 to untie the pilot program's effectiveness from that of the LULD Plan and to extend the pilot's effectiveness to the close of business on October 18, 2019.[11] The Exchange later amended Rule 7.10 to extend the pilot's effectiveness to the close of business on April 20, 2020.[12]

The Exchange now proposes to amend Rule 7.10 to extend the pilot program's effectiveness for a further six months until the close of business on October 20, 2020. If the pilot period is not either extended, replaced or approved as permanent, the prior versions of paragraphs (c), (e)(2), (f), and (g) shall be in effect, and the provisions of paragraphs (i) through (k) shall be null and void.[13] In such an event, the remaining sections of Rules 7.10 would continue to apply to all transactions executed on the Exchange. The Exchange understands that the other national securities exchanges and Financial Industry Regulatory Authority (''FINRA'') will also file similar proposals to extend their respective clearly erroneous execution pilot programs, the substance of which are identical to Rule 7.10.

The Exchange does not propose any additional changes to Rule 7.10. Extending the effectiveness of Rule 7.10 for an additional six months will provide the Exchange and other self-regulatory organizations additional time to consider whether further amendments to the clearly erroneous execution rules are appropriate.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,[14] in general, and Section 6(b)(5) of the Act,[15] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that the proposed rule change promotes just and equitable principles of trade in that it promotes transparency and uniformity across markets concerning review of transactions as clearly erroneous. The Exchange believes that extending the clearly erroneous execution pilot under Rule 7.10 for an additional six months would help assure that the determination of whether a clearly erroneous trade has occurred will be based on clear and objective criteria, and that the resolution of the incident will occur promptly through a transparent process. The proposed rule change would also help assure consistent results in handling erroneous trades across the U.S. equities markets, thus furthering fair and orderly markets, the protection of investors and the public interest. Based on the foregoing, the Exchange believes the amended clearly erroneous executions rule should continue to be in effect on a pilot basis while the Exchange and other self-regulatory organizations consider whether further amendments to these rules are appropriate.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal would ensure the continued, uninterrupted operation of harmonized clearly erroneous execution rules across the U.S. equities markets while the Exchange and other self-regulatory organizations consider whether further amendments to these rules are appropriate. The Exchange understands that the other national securities exchanges and FINRA will also file similar proposals to extend their respective clearly erroneous execution pilot programs. Thus, the proposed rule change will help to ensure consistency across market centers without implicating any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[16] and Rule 19b–4(f)(6) thereunder.[17]

A proposed rule change filed under Rule 19b–4(f)(6)[18] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii)[19] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become effective and operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the current clearly erroneous execution pilot program to continue uninterrupted, without any changes, while the Exchange and the other national securities exchanges consider a permanent proposal for clearly erroneous execution reviews. For this reason, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may

[8] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[9] *See* Securities Exchange Act Release No. 71821 (March 27, 2014), 79 FR 18592 (April 2, 2014) (SR–NYSE–2014–17).

[10] *See* Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (approving Eighteenth Amendment to LULD Plan).

[11] *See* Securities Exchange Act Release No. 85523 (April 5, 2019), 84 FR 14706 (April 11, 2019) (SR–NYSE–2019–17).

[12] *See* Securities Exchange Act Release No. 87353 (October 18, 2019), 84 FR 57087 (October 24, 2019) (SR–NYSE–2019–56).

[13] *See* supra notes 4–6. The prior versions of paragraphs (c), (e)(2), (f), and (g) generally provided greater discretion to the Exchange with respect to breaking erroneous trades.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii).

[20] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2020–24 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2020–24. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2020–24 and should be submitted on or before May 4, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–07658 Filed 4–10–20; 8:45 am]

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[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88577; File No. SR–C2–2020–003]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 6.34 in Connection With Business Continuity and Disaster Recovery Testing

April 7, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 26, 2020, Cboe C2 Exchange, Inc. (''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') proposes to amend Rule 6.34 in connection with business continuity and disaster recovery testing. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/ctwo/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to harmonize Rule 6.34, in connection with business continuity and disaster recovery testing, with the corresponding rules of its affiliated options exchanges, Cboe BZX Exchange, Inc. (''BZX Options'') and Cboe EDGX Exchange, Inc. (''EDGX Options'').[3]

As background, Regulation Systems Compliance and Integrity (''Regulation SCI'')[4] applies to certain self-regulatory organizations (including the Exchange), alternative trading systems (''ATSs''), plan processors, and exempt clearing agencies (collectively, ''SCI entities''). Specifically, Rule 1004 of Regulation SCI (''Reg SCI'') states that each SCI entity shall establish standards for the designation of members or participants that are necessary for the maintenance of fair and orderly markets in the event of the activation of the business continuity and disaster recovery plans, designate such members or participants in scheduled functional and performance testing of the operation of such plans no less than once every 12 months, and coordinate the testing of such plans on an industry- or sector-wide basis with other SCI entities.

In order to comply with the coordination requirement among SCI entities, the Exchange has conducted the required operational testing in parallel with the industry-led testing program coordinated by the Securities Industry and Financial Markets Association (''SIFMA''), which occurs on an annual basis. In particular, Rule 6.34(b) requires certain Trading Permit Holders (''TPHs'') that contribute a meaningful percentage of the Exchange's overall volume must connect to the Exchange's backup systems and participate in functional and performance testing as announced

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange notes that Cboe Exchange, Inc. (''Cboe Options'') is simultaneously filing a rule change to harmonize certain provisions of its business continuity and disaster recovery testing rules with that of BZX Options and EDGX Options.

[4] *See* Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72252 (December 5, 2014) (''SCI Adopting Release'').

by the Exchange, which occurs at least once every 12 months. This is consistent with Reg SCI and generally occurs in October. In particular, subparagraph (b)(1) provides that the Exchange determines the percentage of volume it considers to be meaningful for purposes of Rule 6.34(b), subparagraph (b)(2) provides that the Exchange measures volume executed on the Exchange on a quarterly basis, and that the Exchange also individually notifies all Trading Permit Holders quarterly that are subject to this paragraph (b) based on the prior calendar quarter's volume, and subparagraph (b)(3) provides that if a Trading Permit Holder has not previously been subject to the requirements of this paragraph (b), such Trading Permit Holder has until the next calendar quarter before such requirements are applicable.

In order to harmonize its business continuity and disaster recovery testing provisions with that of its affiliated options exchanges, the Exchange proposes to amend subparagraph (b)(2) to allow the Exchange to identify TPHs designated to test based on trading activity during a single designated quarter for a given year. In line with this proposed rule change, the Exchange also subsequently updates the timeframe for notification to TPHs that are designated for testing in subparagraph (b)(2) and removes subparagraph (b)(3) as all TPHs will be subject to the same measurement quarter selected by the Exchange. Specifically, the proposed rule change provides that the Exchange individually notifies all TPHs (designated for testing) annually, and at least three months prior to the scheduled functional and performance testing. The proposed rule change is substantively identical to the language regarding testing notification provided in Interpretation and Policy .01 to Rule 2.4 of BZX Options and EDGX Options. The proposed rule change is intended to provide the Exchange with greater flexibility in selecting the most relevant quarter's trade data for which the Exchange may identify TPHs that will be designated to participate in annual testing. As such, the Exchange may identify TPHs designated for testing based on potentially the most representative measure of trading activity. For example, if the second quarter of the year in which the test will take place is generally experiencing high volume and trading activity, such a quarter would provide a better, more relevant and/or accurate sample of overall activity and trading patterns on the Exchange than a former, potentially less active quarter or a quarter farther removed from the test date (*e.g.,* the third quarter of the preceding year) for which a TPH might have been designated, thus providing a more relevant and/or accurate, holistic representation of the TPHs who meet the requirement set forth in Rules 6.34(b). The proposed rule change provides additional detail regarding the timeframe for which the Exchange will provide notice to TPHs that have been designated to test based on a single designated quarter as opposed to a quarterly basis. The Exchange believes three months is reasonable advanced notice.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[5] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed change is intended to harmonize the rules in connection with business continuity and disaster recovery testing across the Exchange and its affiliated options exchanges, BZX Options and EDGX Options.[8] The proposed rule change does not propose new or unique business continuity and disaster recovery procedures or requirements as the proposed changes are substantively similar to rules currently in place on the Exchange's affiliated options exchanges and previously filed with the Commission. Consistent requirements and procedures in connection with business continuity and disaster recovery testing will simplify the regulatory requirements and increase the understanding of the Exchange's operations for TPHs that are also participants on the Exchange's affiliated options exchanges. Greater harmonization across the affiliated options exchanges will result in greater uniformity, rules that are easier to follow and understand, and less burdensome, more efficient regulatory compliance, thereby contributing to the protection of investors and the public interest. Moreover, the proposed rule change will harmonize Exchange rules with those of other self-regulatory organizations in furtherance of the coordination of testing among SCI entities required by Rule 1004(c) of Regulation SCI. As set forth in Regulation SCI, ''SROs have the authority, and legal responsibility, under Section 6 of the Exchange Act, to adopt and enforce rules (including rules to comply with Regulation SCI's requirements relating to business continuity and disaster recovery testing) applicable to their members or participants that are designed to, among other things, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.''[9] The Exchange believes that the proposed rule change is consistent with such authority and legal responsibility and will serve to strengthen the Exchange's coordination with other SCI entities to the benefit of investors and the public interest.

In addition to this, by allowing the Exchange to identify TPHs that are subject to testing based on activity during a single designated quarter and to issue an annual notification at least three months prior to testing the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and national market system, and, in general, protect investors as it will allow the Exchange to rely on the trading activity within a quarter that may be more relevant or representative of overall trading activity and patterns on the Exchange in order to better determine which TPHs should participate in testing, provide specificity as to the timing for which the Exchange will give notice to TPHs designated to participate in testing based on the selection of a single measurement

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] *Id.*

[8] *See supra* note 5.

[9] *See* supra note 6.

quarter, and, in general, will simplify the TPH designation and notice process.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change is not a competitive proposal as it is intended to coordinate TPH notification and designated calendar quarters in connection with annual functional and performance testing participation with the rules of its affiliated options exchanges.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the trading activity of TPHs will be measured during the same Exchange-determined quarter for all TPHs and annual notice will be given to each TPH designated for testing at the same time at least three months in advance.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule changes are substantively identical to the corresponding rules of BZX Options and EDGX Options, which have previously been filed with the Commission.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [10] and subparagraph (f)(6) of Rule 19b–4 thereunder.[11]

A proposed rule change filed under Rule 19b-4(f)(6) [12] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [13] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become effective and operative immediately upon filing. The Exchange states that waiver of the operative delay would eliminate potential confusion in connection with testing participation in the next annual functional and performance testing (October 2020) across the Exchange and its affiliated options exchanges and in coordination with other SCI entities. The Exchange also states that the proposed rule changes will harmonize Exchange rules with those of other self-regulatory organizations in furtherance of the coordination of testing among SCI entities, thereby contributing the protection of investors and the public interest. The Exchange further states that the proposed rule change will simplify and streamline the process of notification to TPHs designated to participate in the annual test and will ensure that the Exchange and its affiliated options exchanges will be able to base all member participation on the same designated quarter (*e.g.,* Q1 2020) for the upcoming annual test, thus resulting in more efficient regulatory compliance and operations for investors across the exchanges. Accordingly, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2020–003 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2020–003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2020–003 and should be submitted on or before May 4, 2020.

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–07649 Filed 4–10–20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88579; File No. SR–NSCC–2020–009]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Remove Access to the Fund/SERV Service by Data Services Only Members in Rule 52 and Revise the Defined Term for Fund/SERV in the NSCC Rules

April 7, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 2, 2020, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and subparagraph (f)(4) of Rule 19b–4 thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

(a) The proposed rule change of NSCC is annexed hereto as Exhibit 5 and consists of modifications to NSCC's Rules & Procedures (''Rules'') in order to (i) remove access to the Fund/Serv service (''Fund/SERV'') by Data Services Only Members in Rule 52 of the Rules and (ii) revise the term ''Fund/Serv'' to ''Fund/SERV'' in the Rules to reflect conventional use of the term, as described in greater detail below.[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background—Data Services Only Members

In 2001, NSCC established a new membership category, called the Data Services Only Member.[6] Data Services Only Members are permitted to participate solely in the transmission of data and information and have access to only those services specifically enumerated under NSCC's Rules.[7] The Data Services Only Members are not permitted to settle any transactions through NSCC.[8] Initially the Data Services Only Members were only permitted to access Networking services in Mutual Fund Services.[9] Data Services Only Members were initially granted permission to access Networking in order to make inquiries regarding their customer accounts in an automated format using a communications-translation interface in Extensible Markup Language or ''XML''.[10]

In 2002, the Data Services Only Member access was expanded to include access to Fund/SERV.[11] Data Services Only Members were provided access to Fund/SERV in connection with a new function of Fund/SERV called Fund/SPEED which was launched to provide firms and financial advisors with an ability to obtain information on, and transmit, their clients' mutual fund purchase and redemption transactions through Fund/SERV in an automated format, with settlement conducted directly between counterparties and outside of NSCC.[12] Fund/SPEED was a combination of the XML inquiry functionality that had been provided to Data Services Only Members for Networking and an XML communications interface used to transmit data to Fund/SERV.[13]

The Fund/SPEED functionality was discontinued prior to 2013.[14] Following the discontinuation of Fund/SPEED, a similar functionality has not been added to Fund/SERV for Data Services Only Members.

NSCC does not believe that there is a need to continue to permit Data Services Only Members to have access to Fund/SERV because the Fund/SPEED functionality, which was used by Data Services Only Members to access and transmit Fund/SERV data, was discontinued. NSCC does not believe that any Data Services Only Members have utilized Fund/SERV since Fund/SPEED was discontinued and there are currently no active Data Services Only Members that access the Fund/SERV service. In addition, Fund/SERV is primarily a service designed for settlement of mutual fund transactions and Data Services Only Members are not permitted to settle transactions through NSCC.[15] As such, NSCC is proposing to remove the ability of Data Services Only Members to access Fund/SERV.

Fund/SERV®

NSCC is also proposing to change the term ''Fund/Serv'' to ''Fund/SERV'' in several places in the Rules to reflect current conventional use of the name of the service and the registered trademark of the service. In addition, the registered trademark symbol would be placed on the term in Rule 52 in the heading for Section A to reflect that it is a registered trademark.

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4).

[5] Terms not defined herein are defined in the Rules, *available at https://dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

[6] Securities Exchange Act Release No. 44960 (October 19, 2001), 66 FR 54045 (October 25, 2001) (SR–NSCC–2001–14) (indicating that the new membership category is being added at the request of NSCC's Fund Members and the Investment Company Institute in order to permit broker-dealers who otherwise do not qualify to be NSCC members to obtain access to customers account data in an automated format).

[7] *See* Section 2(ii)(a) of Rule 2, *supra* note 5 (provides that Data Services Only Members participate ''solely in the transmission of data and information, and shall utilize only those features of services that the Corporation may, from time to time, expressly designate as eligible for access by a Data Services Only Member.'').

[8] *Id.*

[9] *Supra* note 6.

[10] *See* Securities Exchange Act Release No. 45560 (March 14, 2002), 67 FR 13200 (March 21, 2002) (SR–NSCC–2001–18) (''SR–NSCC–2001–18''). XML is a programming format that allows for the transfer of structured data between different applications.

[11] *Id.* Fund/SERV is a service provided by NSCC to allow Members and certain Limited Members enumerated in Rule 52 to process and/or settle, as the case may be, on an automated basis purchase and redemption orders and transactions in interests in Fund/Serv Eligible Funds. *See* Rule 52, *supra* note 5.

[12] *See* SR–NSCC–2001–18, *supra* note 10.

[13] *Id.*

[14] See Securities Exchange Act Release No. 68562 (January 2, 2013), 78 FR 1292 (January 8, 2013) (SR–NSCC–2012–11) (removing the fees relating to Fund/SPEED because Fund/SPEED was discontinued).

[15] *See* Section 2(ii)(a) of Rule 2, *supra* note 5.

Proposed Rule Change

In order to implement the proposal above, NSCC would remove all of the references to Data Services Only Member in Section A of Rule 52 of the Rules,[16] which is the section relating to Fund/SERV. In addition, NSCC would remove the sentence referring to orders being submitted by Data Services Only Members in Section 2 of Section A of Rule 52 [17] as that sentence would no longer be applicable if Data Services Only Members are removed from having access to Fund/SERV. NSCC would also change the term ''Fund/Serv'' to ''Fund/SERV'' in several places in the Rules and the registered trademark symbol would be placed on the term in Rule 52 in the heading for Section A.[18]

2. Statutory Basis

Section 17A(b)(3)(F) of the Act requires, in part, that the Rules be designed to promote the prompt and accurate clearance and settlement of securities transactions.[19] NSCC believes that the proposed rule change is consistent with this provision because it would provide enhanced clarity and transparency for participants with respect to services offered by NSCC by updating the Rules to remove the ability to access a service that Data Services Only Members do not utilize and are unlikely to utilize in the future. Fund/SPEED, which was designed to provide participants access to, and the ability to transmit, certain Fund/SERV data without the ability to settle, was discontinued. Since Fund/SPEED has been discontinued, a similar functionality has not been added to Fund/SERV for Data Services Only Members and Fund/SERV is not being utilized by any Data Services Only Members. Since Fund/SERV is primarily a service designed to facilitate settlement of Fund/SERV Eligible Funds, which Data Services Only Members are not permitted to do through NSCC, NSCC does not believe that Data Services Only Members would utilize Fund/SERV in the future.[20] The proposed change of the defined term ''Fund/Serv'' to ''Fund/SERV'' in several places would also provide enhanced clarity for participants because ''Fund/SERV'' reflects the current conventional use of the name of the service and is the registered trademark for the service.

Therefore, by providing enhanced clarity and transparency in the Rules regarding the services provided by NSCC and the services to which Data Services Only Members have access, NSCC believes the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions, consistent with the requirements of the Act, in particular Section 17A(b)(3)(F), cited above.

(B) Clearing Agency's Statement on Burden on Competition

NSCC does not believe that the proposed rule change would have any impact on competition. Since Fund/SPEED was discontinued, Data Services Only Members are not utilizing Fund/SERV. In addition, it is not anticipated that any Data Services Only Members will utilize Fund/SERV in the future because there has not been any functionality to replace Fund/SPEED for Data Services Only Members and Data Services Only Members are not entitled to use the settlement features of Fund/SERV which is its primary purpose. Therefore, the proposed rule change should have no effect on NSCC participants, other than to remove a right to have access to a service by Data Services Only Members that is unlikely to be utilized by Data Services Only Members. In addition, the changes of the term ''Fund/Serv'' to ''Fund/SERV'' and the inclusion of the registered trademark symbol would also not have any impact on competition because such changes are clarifications of the Rules and would not otherwise affect the rights or obligations of NSCC Members.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) [21] of the Act and paragraph (f) [22] of Rule 19b–4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NSCC–2020–009 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–NSCC–2020–009. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of NSCC and on DTCC's website (*https://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NSCC–

[16] Section A of Rule 52, *supra* note 5.

[17] *Id.*

[18] *Id.*

[19] 15 U.S.C. 78q–1(b)(3)(F).

[20] *See* Section A.2. of Rule 52, *supra* note 1 (provides that ''Orders submitted by Data Services Only Members shall not settle through the facilities of the Corporation.'')

[21] 15 U.S.C 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f).

2020–009 and should be submitted on or before May 4, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–07656 Filed 4–10–20; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88575; File No. SR–CBOE–2020–025]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Interpretation and Policy .01 to Rule 5.24 in Connection with Business Continuity and Disaster Recovery Testing

April 7, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 26, 2020, Cboe Exchange, Inc. (''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend Interpretation and Policy .01 to Rule 5.24 in connection with business continuity and disaster recovery testing. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to harmonize Interpretation and Policy .01 to Rule 5.24, in connection with business continuity and disaster recovery testing, with the corresponding rules of its affiliated options exchanges, Cboe BZX Exchange, Inc. (''BZX Options''), Cboe EDGX Exchange, Inc. (''EDGX Options''), and Cboe C2 Exchange, Inc. (''C2'').[3]

As background, Regulation Systems Compliance and Integrity (''Regulation SCI'')[4] applies to certain self-regulatory organizations (including the Exchange), alternative trading systems (''ATSs''), plan processors, and exempt clearing agencies (collectively, ''SCI entities''). Specifically, Rule 1004 of Regulation SCI (''Reg SCI'') states that each SCI entity shall establish standards for the designation of members or participants that are necessary for the maintenance of fair and orderly markets in the event of the activation of the business continuity and disaster recovery plans, designate such members or participants in scheduled functional and performance testing of the operation of such plans no less than once every 12 months, and coordinate the testing of such plans on an industry- or sector-wide basis with other SCI entities.

In order to comply with the coordination requirement among SCI entities, the Exchange has conducted the required operational testing in parallel with the industry-led testing program coordinated by the Securities Industry and Financial Markets Association (''SIFMA''), which occurs on an annual basis. In particular, Rule 5.24(b) requires certain Trading Permit Holders (''TPHs'') to connect to the Exchange's backup systems and participate in functional and performance testing announced by the Exchange, which occurs every 12 months pursuant to Reg SCI. Subparagraphs (b)(1) and (b)(2) respectively require TPHs that the Exchange determine which TPHs contribute a meaningful percentage of the Exchange's overall volume and the Exchange's executed customer volume in SPX and VIX combined, which TPHs are required to connect to the Exchange's backup systems and participate in the functional and performance testing. Interpretation and Policy .01 to Rule 5.24 currently provides that for purposes of determining which TPHs contribute a meaningful percentage of the Exchange's overall volume and customer volume in SPX and VIX pursuant to subparagraphs (b)(1) and (2), respectively, the Exchange measures volume executed on the Exchange during a specified calendar quarter (the ''measurement quarter''). Pursuant to Interpretation and Policy .01(a), the Exchange provides TPHs with reasonable advance notice of the applicable meaningful percentage and measurement quarter, which meaningful percentage may not apply retroactively to any measurement quarter completed or in progress, and, pursuant to Interpretation and Policy .01(b), the Exchange individually notifies all TPHs that are subject to paragraph (b) of Rule 5.24 based on the applicable meaningful percentage following the completion of the applicable measurement quarter. The Exchange provides these TPHs with reasonable advance notice that they must participate in the next annual functional and performance testing, which generally occurs in October. For example, TPHs could potentially receive notice they will be required to participate in the annual functional and performance testing based on their activity in the third or fourth quarter of the preceding year.

In order to harmonize its business continuity and disaster recovery testing provisions with that of its affiliated options exchanges, the Exchange proposes to amend the application of the meaningful percentage to a specified quarter's volume, as well as the timing for which the Exchange notifies a TPH required to participate in annual testing. Specifically, the proposed rule change removes the provision in current Interpretation and Policy .01(a)[5] which provides that a meaningful percentage

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange notes that C2 is simultaneously filing a rule change to harmonize certain provisions of its business continuity and disaster recovery testing rules with that of BZX Options and EDGX Options.

[4] *See* Securities Exchange Act Release No. 73639 (November 19, 2014), 79 FR 72252 (December 5, 2014) (''SCI Adopting Release'').

[5] The Exchange also removes (a) and (b) as separate paragraphs under Interpretation and Policy .01 and consolidates the rule text into a single Interpretation and Policy .01 provision. This is consistent with Interpretation and Policy .01 to Rule 2.4 of BZX Options and EDGX Options.

may not apply retroactively to any measurement quarter completed or in progress. The proposed rule change is consistent with BZX Options and EDGX Options Interpretation and Policy .01 to Rule 2.4, as well as C2 Rule 6.34(b). The proposed rule change is intended to provide the Exchange with greater flexibility in selecting the most relevant quarter's trade data for which the Exchange may identify TPHs that will be designated to participate in annual testing. As such, the Exchange may identify TPHs designated for testing based on potentially the most representative measure of trading activity. For example, if a current quarter is generally experiencing high volume and trading activity, such a quarter would provide a better, more accurate sample of overall activity and trading patterns on the Exchange than a future, potentially less active quarter, thus providing a more accurate, holistic representation of the TPHs who meet the requirements set forth in Rules 5.24(b)(1) and (b)(2). The Exchange also reflects this proposed rule change by removing language in connection with the application of a meaningful percentage following the completion of the measurement quarter, currently in Interpretation and Policy .01(b).

The proposed rule change amends language in current Interpretation and Policy .01(b) [6] regarding notification to TPHs that are designated for testing by adopting a specific notification timeframe in which the Exchange must notify such designated TPHs. Specifically, the proposed rule change provides that the Exchange individually notifies all TPHs (designated for testing) annually, and at least three months prior to the scheduled functional and performance testing, and removes language in connection with giving reasonable advanced notice. The proposed rule change is substantively identical to the language regarding testing notification provided in Interpretation and Policy .01 to Rule 2.4 of BZX Options and EDGX Options. The proposed rule change provides additional detail regarding the timeframe for which the Exchange will provide notice to TPHs that have been designated to test pursuant to subparagraph (b)(1) and (b)(2) of Rule 5.24. Additionally, the proposed rule change is consistent with the current language, which provides the Exchange will provide reasonable advanced notice, which the Exchange believes three months is reasonable advanced notice.

Finally, the proposed rule change makes nonsubstantive changes to certain language in Interpretation and Policy .01 in order to provide consistencies between the corresponding business continuity and disaster recovery testing provisions in the rules of BZX Options, EDGX Options and C2. The proposed rule change removes the provision under current Interpretation and Policy .01(a) which provides that the Exchange gives TPHs reasonable advance notice of the applicable meaningful percentage and measurement quarter. Instead, the proposed rule change streamlines this language and makes it consistent with current BZX Options and EDGX Options Interpretation and Policy .01 and C2 Rule 6.34(b)(1) by providing that the Exchange determines the percentage of volume it considers to be meaningful for purposes of Rule 5.24. The Exchange notes that, pursuant to Rule 1.5, the Exchange is automatically required to announce such a determination to TPHs in a specification, Notice or Circular with appropriate advanced notice. The proposed rule change also updates ''specified calendar quarter (''the measurement quarter'')'' to state ''single designated quarter for a given year'' and updates the relevant terms where applicable in the remainder of Interpretation and Policy .01, which is consistent with the terms used in the corresponding rules of the Exchange's affiliated options exchanges.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed change is intended to harmonize the rules in connection with business continuity and disaster recovery testing across the Exchange and its affiliated options exchanges, BZX Options and EDGX Options, as well as C2.[10] The proposed rule change does not proposed new or unique business continuity and disaster recovery procedures or requirements as the proposed changes are substantively similar to rules currently in place on the Exchange's affiliated options exchanges and previously filed with the Commission. Consistent requirements and procedures in connection with business continuity and disaster recovery testing will simplify the regulatory requirements and increase the understanding of the Exchange's operations for TPHs that are also participants on the Exchange's affiliated options exchanges. Greater harmonization across the affiliated options exchanges will result in greater uniformity, rules that are easier to follow and understand, and less burdensome, more efficient regulatory compliance, thereby contributing to the protection of investors and the public interest. Moreover, the proposed rule change will harmonize Exchange rules with those of other self-regulatory organizations in furtherance of the coordination of testing among SCI entities required by Rule 1004(c) of Regulation SCI. As set forth in Regulation SCI, ''SROs have the authority, and legal responsibility, under Section 6 of the Exchange Act, to adopt and enforce rules (including rules to comply with Regulation SCI's requirements relating to business continuity and disaster recovery testing) applicable to their members or participants that are designed to, among other things, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.'' [11] The Exchange believes that the proposed rule change is consistent with such authority and legal responsibility and will serve to strengthen the Exchange's coordination

[6] *See supra* note 4.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *Id.*

[10] *See supra* note 5.

[11] *See* supra note 6.

with other SCI entities to the benefit of investors and the public interest.

In addition to this, by allowing the Exchange to identify TPHs that are subject to testing based on activity during any single designated quarter and to issue an annual notification at least three months prior to testing the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and national market system, and, in general, protect investors as it will allow the Exchange to rely on the trading activity within a quarter that may be more representative of overall trading activity and patterns on the Exchange in order to better determine which TPHs should participate in testing, provide the more specificity as to the timing for which the Exchange will give notice to TPHs designated to participate in testing, and, in general, will simplify the TPH designation and notice process.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule change is not a competitive proposal as it is intended to coordinate TPH notification and designated calendar quarters in connection with annual functional and performance testing participation with the rules of its affiliated options exchanges.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the trading activity of TPHs will continue to be measured during the same Exchange-determined quarter for all TPHs and annual notice will be given to each TPH designated for testing at the same time at least three months in advance.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule changes are substantively identical to the corresponding rules of BZX Options and EDGX Options, and generally consistent with the corresponding rules of C2, all of which have previously been filed with the Commission.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [12] and subparagraph (f)(6) of Rule 19b–4 thereunder.[13]

A proposed rule change filed under Rule 19b-4(f)(6) [14] normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6)(iii) [15] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become effective and operative immediately upon filing. The Exchange states that waiver of the operative delay would eliminate potential confusion in connection with testing participation in the next annual functional and performance testing (October 2020) across the Exchange and its affiliated options exchanges and in coordination with other SCI entities. The Exchange also states that the proposed rule changes will harmonize Exchange rules with those of other self-regulatory organizations in furtherance of the coordination of testing among SCI entities, thereby contributing the protection of investors and the public interest. The Exchange further states that the proposed rule change will simplify and streamline the process of notification to TPHs designated to participate in the annual test and will ensure that the Exchange and its affiliated options exchanges will be able to base participation on the same designated quarter (*e.g.,* Q1 2020) for the upcoming annual test, thus resulting in more efficient regulatory compliance and operations for investors across the exchanges. Accordingly, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2020–025 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2020–025. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule

[12] 15 U.S.C. 78s(b)(3)(A)(iii).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2020–025 and should be submitted on or before May 4, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–07652 Filed 4–10–20; 8:45 am]

BILLING CODE 8011–01–P

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88578; File No. SR–LCH SA–2020–001]

Self-Regulatory Organizations; LCH SA; Order Approving Proposed Rule Change Relating to Amendments to the Wind Down Plan

April 7, 2020.

I. Introduction

On February 24, 2020, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder[2] a proposed rule change updating its wind down plan (''WDP''). The proposed rule change was published for comment in the **Federal Register** on March 4, 2020.[3] The Commission did not receive comments regarding the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change[4]

The purpose of the WDP is to ensure an orderly wind down of LCH SA under extreme circumstances and to limit market impact as much as possible, should its recovery plan or the resolutions measures that could have been taken by the authorities fail to allow LCH SA to obtain the resources required to return to business as usual conditions. The WDP sets out the steps that LCH SA would follow to close its clearing services and shut down the company. In addition, the WDP reflects LCH SA's estimate of the costs that it would incur to conduct a wind-down, thereby allowing LCH SA to ensure that it maintains capital sufficient to cover such costs.[5]

In 2018, LCH SA conducted a review of its WDP and is proposing to update it to clarify the circumstances under which LCH SA could determine to wind down. More specifically, these revisions would make clear that LCH SA generally could not make such a determination on its own initiative. Instead, if LCH SA is no longer deemed viable after consultation with its regulatory authorities[6] (either while operating under its current governance or once it has been put under resolution), the ACPR could require LCH SA to wind down.[7] Further, the proposal would clarify that only in the case where all business lines have been closed and LCH SA no longer has any clearing activity, could LCH SA make the decision to wind down on its own initiative and without the direction of its regulator.

LCH SA is also proposing to update the WDP with new estimates of the costs that it would incur to wind-down. Such costs would still be lower than the amount that LCH SA holds as liquid resources corresponding to 6 months of expenses that are the minimum required by the European Market Infrastructure Regulation (''EMIR'').

Additionally, the proposed rule change would update the 'assessment of key member, exchange, and IT contract termination provisions' section of the WDP to add (i) contracts that LCH SA recently entered with particular platforms and (ii) the contract governing the LCH SA staff layoff processes.[8]

III. Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the organization.[9] For the reasons given below, the Commission finds that the proposed rule change is consistent with Rules 17Ad–22(e)(3)(ii), 17Ad–22(e)(15)(i) and (ii).[10]

A. Consistency With Rule 17Ad–22(e)(3)(ii)

Rule 17Ad–22(e)(3)(ii) requires a covered clearing agency to establish, implement, maintain and enforce written policies and procedures that are reasonably designed, as applicable, to ensure that it maintains plans for the orderly wind-down of the covered clearing agency necessitated by credit losses, liquidity shortfalls, losses from general business risk, or any other losses.[11] As described above, the proposed rule change would revise the WDP to clarify that it is the ACPR and not LCH SA that can decide to wind-down. Additionally, LCH SA would also update the list of key contractual provisions reflected in the WDP to add contracts for services providers and an employment contract.

The Commission believes that these clarifications and updates allow LCH SA to maintain the WDP with current and relevant information. In particular, the Commission believes that more precise specification of the role of the ACPR should clarify which entity has the authority to trigger the WDP. The Commission also believes that by updating the list of contracts with wind-down provisions, LCH SA can maintain current and relevant information in its WDP. Therefore, for the above reasons

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating to Amendments to the Wind Down Plan; Exchange Act Release No. 88297 (February 27, 2020); 85 FR 12814 (March 4, 2020) (''Notice'').

[4] The description herein is substantially excerpted from the Notice, 85 FR 12814.

[5] For more information regarding LCH SA's WDP, please see Securities Exchange Act Release No. 34–83451 (June 15, 2018), 83 FR 28886 (June 21, 2018) (SR–LCH SA–2017–013).

[6] LCH SA is regulated as a credit institution and central counterparty by its National Competent Authorities: l'Autorité des marchés financiers, l'Autorité de Contrôle Prudentiel et de Résolution (ACPR), and Banque de France.

[7] ACPR can act as either the prudential authority or the resolution authority for LCH SA.

[8] However, the conditions of this employment contract would not apply in case of wind down, and only legal conditions, which are less demanding for LCH SA, would be applicable for staff layoffs.

[9] 15 U.S.C. 78s(b)(2)(C).

[10] 17 CFR 240.17Ad–22(e)(3)(ii), (e)(15)(i), and (e)(15)(ii).

[11] 17 CFR 240.17Ad–22(e)(3)(ii).

the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(3)(ii).

B. Consistency With Rule 17Ad–22(e)(15)(i)–(ii)

Rule 17Ad–22(e)(15)(i) requires a covered clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed, as applicable, to, among other things, (i) determine the amount of liquid net assets funded by equity based upon its general business risk profile and the length of time required to achieve a recovery or orderly wind-down, as appropriate, of its critical operations and services if such action is taken, and (ii) provide for holding liquid net assets funded by equity equal to the greater of either six months of its current operating expenses or the amount determined by the board of directors to be sufficient to ensure a recovery or orderly wind-down of critical operations and services of the covered clearing agency, as contemplated by the plans established under Rule 17Ad–22(e)(3)(ii).

As noted above, LCH SA proposes to update its WDP with new estimated wind-down costs, which are less than the amount that LCH SA holds as liquid resources corresponding to 6 months of expenses that are the minimum required by EMIR. The Commission believes that by updating its WDP with this information after its annual review allows LCH SA to maintain procedures reasonably designed to determine wind-down costs and to ensure they remain under the amount of capital held for that purpose. Therefore, the Commission believes that this aspect of the proposed rule change is consistent with Rule 17Ad–22(e)(15)(i).

Similarly, the Commission believes that by updating these costs, LCH SA would be able to assess whether it holds liquid net assets sufficient to ensure an orderly wind-down of critical operations and services. Therefore, the Commission believes that the proposed rule change is consistent with Rule 17Ad–22(e)(15)(ii).

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act, and in particular, with the requirements of Rules 17Ad–22(e)(3)(ii), 17Ad–22(e)(15)(i) and (ii).[12]

[12] 17 CFR 240.17Ad–22(e)(3)(ii), (e)(15)(i), and (e)(15)(ii).

It is therefore ordered pursuant to Section 19(b)(2) of the Act[13] that the proposed rule change (SR–LCH SA–2020–001), be, and hereby is, approved.[14]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–07651 Filed 4–10–20; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(2).

[14] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2020–0011]

Hearing Cancellation and Extension of Comment Period on Negotiating Objectives for a United States-Republic of Kenya Trade Agreement

AGENCY: Office of the United States Trade Representative.

ACTION: Cancellation of public hearing and extended deadline to submit comments.

SUMMARY: On March 23, 2020, the Office of the U.S. Trade Representative (USTR) solicited comments and announced that the Trade Policy Staff Committee would hold a public hearing on a proposed U.S.-Republic of Kenya trade agreement. Consistent with guidance issued by the Centers for Disease Control and Prevention concerning COVID–19, USTR is cancelling the public hearing. USTR is extending the deadline for written comments.

DATES:

Hearing: The hearing scheduled for April 28, 2020, is cancelled.

Comments: USTR is extending the deadline for written comments until April 28, 2020, and encourages interested persons to file comments and supporting documentation via *www.regulations.gov,* using docket number USTR–2020–0011. The instructions for submission are in sections II and III of the notice published on March 23, 2020 (85 FR 16450). For alternatives to on-line submissions, please contact Yvonne Jamison at (202) 395–3475 in advance of the deadline and before transmitting a comment.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments, please contact Yvonne Jamison at (202) 395–3475. Direct all other questions to Alan Treat, Deputy Assistant U.S. Trade Representative for Africa, at (202) 395–9514.

Edward Gresser,

Chair of the Trade Policy Staff Committee, Office of the United States Trade Representative.

[FR Doc. 2020–07743 Filed 4–10–20; 8:45 am]

BILLING CODE 3290–F0–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0239]

Hours of Service of Drivers: Application for Exemption; Small Business in Transportation Coalition

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Application for exemption; final determination.

SUMMARY: FMCSA announces its decision to deny the Small Business in Transportation Coalition's (SBTC) request for reconsideration of its application for exemption from the electronic logging device (ELD) rule that was denied by the Agency on July 17, 2019. SBTC has resubmitted its application for exemption from the ELD requirements for all motor carriers with fewer than 50 employees, including, but not limited to, one-person private and for-hire owner-operators of commercial motor vehicles used in interstate commerce. SBTC believes that the exemption would not have any adverse impacts on operational safety as motor carriers and drivers would remain subject to the hours-of-service (HOS) regulations, as well as the requirements to maintain paper records of duty status (RODs). FMCSA has analyzed SBTC's petition for reconsideration and the public comments received and has determined that neither the applicant nor the commenters provided information that would change the Agency's previous decision to deny the exemption.

FOR FURTHER INFORMATION CONTACT: Ms. La Tonya Mimms, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: (202) 366–4325; Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

When the Agency denied a request for an exemption, the applicant may be allowed to resubmit the application, if the applicant can reasonably address the basis for denial. 49 U.S.C. 31315(b)(3).

II. Background

On December 16, 2015, FMCSA published the Electronic Logging Devices and Hours of Service Supporting Documents final rule (80 FR 78292). The ELD rule applies to most motor carriers and drivers who are required to keep RODS. The compliance date for the ELD requirement was December 18, 2017.

On June 5, 2018, FMCSA published SBTC's application for exemption and requested public comment (83 FR 26140). SBTC reports it is a non-profit trade organization with more than 8,000 members. SBTC states that it ''represents, promotes, and protects the interest of small businesses in the transportation industry. Through the exemption application, SBTC sought relief from the ELD requirements for small private, common and contract motor carriers with fewer than 50 employees. SBTC argued:

''[T]he ELD rule is not a ''safety regulation'' per se as the FMCSA has concluded. Rather it is a mechanism intended to enforce a safety regulation by regulating the manner in which a driver records and communicates his compliance. That is, it is merely a tool to determine compliance with an existing rule that regulates over-the-road drivers' driving and on duty time, namely the actual safety regulation: the [hours-of- service] regulations codified at 49 CFR 395.3 and 395.5. However, the ELD rule is not a safety regulation itself. Therefore, it is our position that this rule does *not* itself impact safety, and that the level of safety will not change based on whether or not our exemption application is approved. That would require a change to the [hours-of-service rules].''

On July 9, 2018, FMCSA extended the public comment period at the request of the SBTC (83 FR 31836). The Agency received more than 1,900 comments to the docket [Docket No. FMCSA–2018–0180]. Most of the comments favored granting the exemption. On July 17, 2019, the Agency published notice of its decision to deny SBTC's application for exemption (84 FR 34250) and listed the following reasons for the denial:

- Failing to provide the name of the individual or motor carrier that would be responsible for the use or operation of commercial motor vehicles (CMVs) under the exemption [49 CFR 381.310(b)(2)];
- Failing to provide an estimate of the total number of drivers and CMVs that would be operated under the terms and conditions of the exemption [§ 381.310(c)(3)]; and
- Failing to explain how an equivalent level of safety would be achieved [§ 381.310(c)(5)].

III. Request for Reconsideration of Agency Decision

SBTC requested FMCSA to reconsider its denial of the ELD exemption. According to SBTC, the reason for not providing an estimate of the number of drivers and CMVs that would be operating under the exemption is that SBTC is a trade group, not a single carrier. SBTC argues that a trade group would not know the number of employees eligible for the exemption. Regarding that question, SBTC deferred to the Agency because FMCSA is the custodian of MCS–150 industry data. SBTC believes that it has identified the percentage of carriers that would be affected by the exemption but does not know a way to extrapolate the number of drivers from the estimated 3.5 million truck drivers in the U.S. without deferring to FMCSA for that information.

IV. Equivalent Level of Safety

To ensure an equivalent level of safety, SBTC suggests a return to paper logs. According to SBTC, ''Paper logs were deemed sufficient to ensure adequate levels of safety for generations, more than 80 years. And the FMCSA has already issued numerous exemptions that require carriers to revert to tracking their hours of service using paper logs in lieu of ELDs . . .'' SBTC argues that ELDs have caused reckless speeding and pose a national security threat. SBTC urges FMCSA to look carefully at the unintended consequences of the ELD rule when deciding whether or not to grant the exemption. SBTC also suggests that FMCSA temporarily grant the exemption ''if for no other reason than to press the pause button while [FMCSA] studies these unintended consequences and their adverse effects on safety. We contend this would indeed achieve a greater level of overall safety than the current status quo.''

V. Public Comments

On October 29, 2019, FMCSA published SBTC's petition for reconsideration and requested public comment (84 FR 57932). The Agency received approximately 355 comments, more than 300 of which favored the exemption. For example, Mr. Michael Garrison said, ''I support the ELD exemption application. Please grant the exemption. The 14-hour rule is forcing drivers to drive when they are tired and is a major safety concern.'' Mr. Dahl Warren wrote, ''I support the ELD exemption especially for small carriers. There is no need for these carriers to have the expense burden that the ELDs create.''

Only a few commenters opposed the exemption: the Commercial Vehicle Safety Alliance (CVSA), Truckload Carriers Association (TCA) and Mr. Michael Millard. CVSA wrote, ''In their request for reconsideration, SBTC reiterates the same claims about paper logs and does not provide any additional method of ensuring an equivalent level of safety.'' TCA stated, ''In comments submitted to the Agency in July 2018, TCA opposed the Small Business in Transportation Coalition's (SBTC) initial request for an exemption from the ELD requirements and we now oppose the group's petition for reconsideration.'' Mr. Millard said, ''The FMCSA should again deny the SBTC's request to assure a level platform among all carriers large and small in following the HOS. Removing the ELD from the HOS equation allows those using paper RODS an upper hand and questionable HOS compliance.''

VI. FMCSA Decision

The FMCSA carefully reviewed SBTC's petition for reconsideration, as well as the public comments. The

Agency has concluded that SBTC provided no additional information that would alter its decision to deny SBTC's 2018 exemption application. For example, instead of providing the information required by subpart C of 49 CFR part 381 for reconsideration, SBTC presented arguments for *not* providing the information. SBTC's application still does not provide the number of drivers and CMVs that would be covered by the exemption, nor does SBTC explain how an equivalent level of safety would be achieved by continuing to use paper logs. Therefore, the Agency denies this application for exemption from the ELD rule and reaffirms its previous denial.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–07730 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0112]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Samsara Networks Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) requests public comment on an application for exemption from Samsara Networks Inc. (Samsara) to allow its AI Dash Cam to be mounted lower in the windshield on commercial motor vehicles than is currently permitted.

DATES: Comments must be received on or before May 13, 2020.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2020–0112 using any of the following methods:

- *Website: http://www.regulations.gov.* Follow the instructions for submitting comments on the Federal electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery of Courier:* Bring comments to Docket Operations in Room W12–140 of the West Building Ground Floor, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday–Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the ''Public Participation'' heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the ''Privacy Act'' heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to Docket Operations in Room W12–140, U.S. Department of Transportation, West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public participation: The *http://www.regulations.gov* website is generally available 24 hours each day, 365 days each year. You may find electronic submission and retrieval help and guidelines under the ''help'' section of the *http://www.regulations.gov* website as well as the DOT's *http://docketsinfo.dot.gov* website. If you would like notification that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Mr. José R. Cestero, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–5541, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2020–0112), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2020–0112'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31315(b) to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request. The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level

that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must specify the effective period of the exemption (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

III. Samsara's Application for Exemption

The Federal Motor Carrier Safety Regulations require devices meeting the definition of ''vehicle safety technology,'' including Samsara's AI Dash Cam, to be mounted (1) not more than 4 inches below the upper edge of the area swept by the windshield wipers, or (2) not more than 7 inches above the lower edge of the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals. Samsara has applied for an exemption from 49 CFR 393.60(e)(1) to allow its AI Dash Cam to be mounted lower in the windshield than is currently permitted. A copy of the application is included in the docket referenced at the beginning of this notice.

V. Request for Comments

In accordance with 49 U.S.C. 31315(b)(6), FMCSA requests public comment from all interested persons on Samsara's application for an exemption from 49 CFR 393.60(e)(1). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–07729 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0007]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 51 individuals who requested an exemption from the vision standard in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a CMV in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing materials in the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov/docket?D=FMCSA-2020-0007* and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

FMCSA received applications from 51 individuals who requested an exemption from the vision standard in the FMCSRs.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. FMCSA grants exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision, as well as their driving records and experience driving with the vision deficiency.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10). Therefore, the 51 applicants in this notice have been denied exemptions from the physical qualification standards in § 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following two applicants did not have sufficient driving experience over the past three years under normal highway operating conditions:

Eddie M. Riddle (OH); and James Morris (WV)

The following 12 applicants had no experience operating a CMV:

David L. Prince (WV)
Zackery R. Burtch (OR)

Monesia Moore (NC)
Andrew I. Hogue (IN)
Sathe M. Hussein (MN)
Dustin T. Thompson (OH)
Logan W. Smith (TN)
Doc G. Madison (MI)
Morgan G. Kent (TX)
Daniel J. Jones (GA)
Evan J. Lambert (OH)
Joshua T. Hensley (KY)

The following six applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies:

Curtis W. Hall (CT)
Steven T. Robinson (KY)
Timothy G. O'Shea (FL)
Jesus I. Gonzalez Gonzalez (IN)
Thomas A. Robinson (OH)
Luther B. Francois (NY)

The following three applicants did not have 3 years of recent experience driving a CMV on public highways with their vision deficiencies:

William C. Kelley (WI); Nathaniel L. Pittman (NC); and Jose O. Diaz Rosado (PA)

The following five applicants did not have sufficient driving experience over the past 3 years under normal highway operating conditions (gaps in driving record):

Mark A. Richardson (MD)
Mark Patricola (NJ)
Jamison W. Gourley (OH)
Jacob L. Boyer (MN)
Gregory J. Kuhn (NE)

The following applicant does not have verifiable proof of commercial driving experience over the past 3 years under normal highway operating conditions that would serve as an adequate predictor of future safe performance:

Irving Ibarez (IL)

The following 14 applicants were denied for multiple reasons:

William G. Gamble (IN)
Carlos E. Donahue (AR)
Todd A. Wasily (IN)
Blake V. Brooks (SD)
Anges R. Schultz (TX)
John C. Frye (PA)
Adam M. Frakes (KY)
Andy Fernandez (FL)
Mesha L. Rue (NM)
George R. Miller (PA)
Christopher A. Baxter (IL)
Benjamin J. Pasqualone (PA)
Reymondo Garcia (NV)
Robert E. Anglin (OH)

The following eight applicants drove interstate while restricted to intrastate driving:

Johnny Watson (GA)
Mike N. Uwainat (IL)
Henry E. Brown (IL)
Edgar Ramirez (NY)
Otis L. Tate (FL)
Carl R. Wakefield (WA)
Frederick A. Brown (DC)
Adriano De Vargas (MD)

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2020–07680 Filed 4–10–20; 8:45 am]
BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0114]

Hours of Service of Drivers: Application for Exemption; Werner Enterprises

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) requests public comment on Werner Enterprises' (Werner) application for an exemption from the requirement that certain data fields be included in electronic records of duty status (RODS) files presented by electronic logging devices (ELDs). Specifically, Werner requests that, during the first eight days that each of its drivers transitions to an ELD from its new supplier, Platform Science, five specific data fields in the RODS files accessible through the in-cab ELD unit be left blank due to file compatibility issues between the suppliers' systems.

DATES: Comments must be received on or before May 13, 2020.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2020–0114 using any of the following methods:

- *Website: http://www.regulations.gov.* Follow the instructions for submitting comments on the Federal electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Bring comments to Docket Operations, Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday-Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the ''Public Participation'' heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the ''Privacy Act'' heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to Docket Operations, Room W12–140, DOT Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Public participation: The *http://www.regulations.gov* website is generally available 24 hours each day, 365 days each year. You may find electronic submission and retrieval help and guidelines under the ''help'' section of the *http://www.regulations.gov* website as well as the DOT's *http://docketsinfo.dot.gov* website. If you would like notification that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments online.

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: (202) 366–4325; Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2020–0114), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2020–0114'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31315(b) to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Background

On December 16, 2015 (80 FR 78292), FMCSA published a final rule requiring most drivers required to prepare hours-of-service (HOS) records of duty status (RODS) to use ELDs instead of paper logs to document their RODS. The final rule also established minimum performance and technical design standards for ELDs.

Appendix A to Subpart B of 49 CFR part 395 (Appendix A) provides requirements for data fields that must be included in electronic RODS files generated by ELDs.

IV. Werner's Exemption Application

Werner requests that during the first eight days that each of its drivers makes the transition to an ELD from its new supplier, Platform Science, five specific data fields required by Appendix A to be included in the RODS files accessible through the in-cab ELD unit be left blank. The files generated by the current ELDs used by Werner include all the required information. The files generated by the Platform Science ELDs that Werner will begin using in 2020 include all the required information. Werner will be transferring data from its current ELD system to a new platform, and with that transition 5 elements will not be available for the first 8 days. The affected fields are:

- Co-driver information;
- Odometer Elapsed—vehicle elapsed miles/kilometers in given ignition power on cycle;
- Engine Hours Elapsed—elapsed time of engine operation in the given ignition power on cycle;
- Engine Hours Total—total engine hours at time of event; and,
- Odometer Total (decimal)—total at time of the event.

Consequently, during the first seven days a driver is operating a Werner vehicle equipped with the new Platform Science ELD, the electronic RODS file accessible in the vehicle will not include the five data elements specified above; however, all other information needed to determine compliance with the HOS rules will be available. The inspector would review the electronic RODS via FMCSA's eRODS software which would detect the missing data elements in the Platform Science ELD presentation of the previous eight days of RODS. This problem will affect Werner's entire fleet which consists of roughly 10,000 drivers and 8,000 power units as the transition takes place.

Werner notes that its drivers would have electronic RODS files available for review using FMCSA's eRODS software providing accurate duty status information for the current day and the previous seven days at any inspection location. While the files would not include the five data elements above, HOS information can still be verified at the roadside, and the information would be available for an on-site investigation conducted at a Werner facility. The remaining data elements would provide a means for identifying non-compliance with the underlying hours-of-service requirements. A copy of the exemption application has been placed in the docket referenced at the beginning of this notice.

V. Request for Comments

In accordance with 49 U.S.C. 31315(b)(6), FMCSA requests public comment from all interested persons on Werner's application for an exemption from the requirement that data fields specified in Appendix A to Subpart B or Part 395 (Appendix A) be included in electronic records of duty status (RODS) files generated by electronic logging devices (ELDs). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–07731 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2020–0064]

Request for Comments of a Previously Approved Information Collection: Information To Determine Seamen's Reemployment Rights—National Emergency

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on February 7, 2020.

DATES: Comments must be submitted on or before May 13, 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: Rodney McFadden, 202–366–2647, Office of Maritime Labor and Training, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC, 20590.

SUPPLEMENTARY INFORMATION:

Title: Information to Determine Seamen's Reemployment Rights—National Emergency.

OMB Control Number: 2133–0526.

Type of Request: Renewal of a Previously Approved Information Collection.

Background: This collection is needed in order to implement provisions of the Maritime Security Act of 1996. These provisions grant re-employment rights and other benefits to certain merchant seamen serving aboard vessels used by the United States during times of national emergencies. The Maritime Security Act of 1996 establishes the procedures for obtaining the necessary MARAD certification for re-employment rights and other benefits.

Respondents: U.S. merchant seamen who have completed designated national service during a time of maritime mobilization need and are seeking re-employment with a prior employer.

Affected Public: Business or other for profit.

Total Estimated Number of Responses: 10.

Frequency of Collection: Annually.

Estimated time per Respondent: 1 hr.

Total Estimated Number of Annual Burden Hours: 10.

Public Comments Invited: Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; 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 respondents, including the use of automated collection techniques or other forms of information technology.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93)

Dated: April 8, 2020.

By order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–07678 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2020–0062]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel VICARIOUS (Catamaran); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 13, 2020.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2020–0062 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2020–0062 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2020–0062, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel VICARIOUS is:

—*Intended Commercial Use of Vessel:* ''I intend to take passengers out for pleasure cruises. Both day charter and overnight.''

—*Geographic Region Including Base of Operations:* ''New Jersey, New York (excluding New York Harbor), Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine'' (Base of Operations: Newport, RI)

—*Vessel Length and Type:* 48′ catamaran

The complete application is available for review identified in the DOT docket as MARAD–2020–0062 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments

should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov.,* keyword search MARAD–2020–0062 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments 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 Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

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.dot.gov/privacy.* 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. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

Dated: April 8, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–07682 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2020–0061]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel MORNING STAR (Sailboat); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 13, 2020.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2020–0061 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2020–0061 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2020–0061, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel MORNING STAR is:

—*Intended Commercial Use Of Vessel:* ''6 pack charter''
—*Geographic Region Including Base Of Operations:* ''South Carolina, North Carolina, Georgia, and Florida.'' (Base of Operations: Coconut Grove, FL)
—*Vessel Length And Type:* 42′ sailboat

The complete application is available for review identified in the DOT docket as MARAD–2020–0061 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English.

We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov.,* keyword search MARAD–2020–0061 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments 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 Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

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.dot.gov/privacy.* 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. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

Dated: April 8, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–07681 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2020–0063]

Request for Comments of a Previously Approved Information Collection: Shipbuilding Orderbook and Shipyard Employment

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on February 7, 2020.

DATES: Comments must be submitted on or before May 13, 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: Elizabeth Gearhart, Telephone: 202–366–1867; or email: *beth.gearhart@dot.gov,* Maritime Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Shipbuilding Orderbook and Shipyard Employment.

OMB Control Number: 2133–0029.

Type of Request: Renewal of a Previously Approved Information Collection.

Background: In compliance with 46 U.S.C. 50102 (2007), the Merchant Marine Act of 1936, as amended, MARAD conducts this survey to obtain information from the shipbuilding and ship repair industry to be used primarily to determine, if an adequate mobilization base exists for national defense and for use in a national emergency.

Respondents: Owners of U.S. shipyards who agree to complete the requested information.

Affected Public: Business or other for profit.

Total Estimated Number of Responses: 200.

Frequency of Collection: Annually.

Estimated time per Respondent: 30. minutes.

Total Estimated Number of Annual Burden Hours: 100.

Public Comments Invited: Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; 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 respondents, including the use of automated collection techniques or other forms of information technology.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93)

Dated: April 8, 2020.

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2020–07679 Filed 4–10–20; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Change To Notice of Funds Availability (NOFA) Inviting Applications for Financial Assistance (FA) Awards or Technical Assistance (TA) Awards Under the Native American CDFI Assistance (NACA Program) Fiscal Year (FY) 2020 Funding Round

ACTION: Change of Application deadline, and change of deadlines to contact NACA Program staff and AMIS–IT Help Desk staff.

Catalog of Federal Domestic Assistance (CFDA) Number: 21.012.

Executive Summary: On February 21, 2020, the Community Development Financial Institutions Fund (CDFI Fund) published a Notice of Funds Availability (NOFA) for Financial Assistance (FA) awards or Technical Assistance (TA) awards under the Native American CDFI Assistance (NACA Program) Fiscal Year 2020

Funding Round in the **Federal Register** (85 FR 10240, February 21, 2020) announcing the availability of approximately $15.5 million in Financial Assistance (FA) and Technical Assistance (TA) awards, under the Consolidated Appropriations Act, 2020 (Pub. L. 116–93). The CDFI Fund is issuing this notice to amend three NOFA deadlines. The deadline to submit a NACA Program Application for Financial Assistance (FA) award or Technical Assistance (TA) award is amended from 11:59 p.m. ET on April 21, 2020, to 11:59 p.m. ET on April 30, 2020. The deadline to contact NACA Program staff is amended from 5:00 p.m. ET on April 17, 2020, to 5:00 p.m. ET on April 28, 2020. The deadline to contact AMIS–IT Help Desk staff is amended from 5:00 p.m. ET on April 21, 2020, to 5:00 p.m. ET on April 30, 2020. All other deadlines set forth in the Notice of Funds Availability shall remain in accordance with the NOFA published on February 21, 2020.

Capitalized terms used in this NOFA are defined in the Riegle Community Development and Regulatory Improvement Act (Pub. L. 103–325, 12 U.S.C. 4701 *et seq.*), the Regulations (12 CFR parts 1805 and 1815), this NOFA, the Application, Application Materials, or the Uniform Requirements (2 CFR part 1000).

All other information and requirements set forth in the NOFA published on February 21, 2020, shall remain effective, as published.

I. Agency Contacts

A. *General information on questions and CDFI Fund support.* The CDFI Fund will respond to questions concerning this NOFA and the Application between the hours of 9:00 a.m. and 5:00 p.m. Eastern Time, starting on the date that the NOFA is published through the dates listed in this NOFA. The CDFI Fund strongly recommends Applicants submit questions to the CDFI Fund via an AMIS service request to the NACA Program, Office of Certification, Compliance Monitoring and Evaluation, or IT Help Desk. The CDFI Fund will post on its website responses to reoccurring questions received about the NOFA and Application. Other information regarding the CDFI Fund and its programs may be obtained from the CDFI Fund's website at *http://www.cdfifund.gov.*

B. *The CDFI Fund's contact information is as follows:*

TABLE A—CONTACT INFORMATION

Type of question	Preferred method	Telephone number (not toll free)	Email addresses
NACA Program	Service Request via AMIS	202–653–0421, option 1	*cdfihelp@cdfi.treas.gov.*
CCME	Service Request via AMIS	202–653–0423	*ccme@cdfi.treas.gov.*
AMIS—IT Help Desk	Service Request via AMIS	202–653–0422	*AMIS@cdfi.treas.gov.*

C. *Communication with the CDFI Fund.* The CDFI Fund will use the contact information in AMIS to communicate with Applicants and Recipients. It is imperative therefore, that Applicants, Recipients, Subsidiaries, Affiliates, and signatories maintain accurate contact information in their accounts. This includes information such as contact names (especially for the Authorized Representative), email addresses, fax and phone numbers, and office locations. For more information about AMIS, please see the AMIS Landing Page at *https://amis.cdfifund.gov.*

Authority: 12 U.S.C. 4701, *et seq.;* 12 CFR parts 1805 and 1815; 2 CFR part 200.

Jodie L. Harris,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2020–07686 Filed 4–10–20; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Change to Notice of Funds Availability (NOFA) Inviting Applications for Financial Assistance (FA) Awards or Technical Assistance (TA) Awards Under the Community Development Financial Institutions Program (CDFI Program) Fiscal Year (FY) 2020 Funding Round

ACTION: Change of Application deadline, and change of deadlines to contact CDFI Program staff and AMIS–IT Help Desk staff.

Catalog of Federal Domestic Assistance (CFDA) Number: 21.020.

Executive Summary: On February 21, 2020, the Community Development Financial Institutions Fund (CDFI Fund) published a Notice of Funds Availability (NOFA) for Financial Assistance (FA) awards or Technical Assistance (TA) awards under the Community Development Financial Institutions Program Fiscal Year 2020 Funding Round in the **Federal Register** (85 FR 10219, February 21, 2020) announcing the availability of approximately $184 million in Financial Assistance (FA) and Technical Assistance (TA) awards, under the Consolidated Appropriations Act, 2020 (Pub. L. 116–93). The CDFI Fund is issuing this notice to amend three NOFA deadlines. The deadline to submit a CDFI Program Application for Financial Assistance (FA) award or Technical Assistance (TA) award is amended from 11:59 p.m. ET on April 21, 2020, to 11:59 p.m. ET on April 30, 2020. The deadline to contact CDFI Program staff is amended from 5:00 p.m. ET on April 17, 2020, to 5:00 p.m. ET on April 28, 2020. The deadline to contact AMIS–IT Help Desk staff is amended from 5:00 p.m. ET on April 21, 2020, to 5:00 p.m. ET on April 30, 2020. All other deadlines set forth in the Notice of Funds Availability shall remain in accordance with the NOFA published on February 21, 2020.

Capitalized terms used in this NOFA are defined in the Authorizing Statute (Pub. L. 103–325, 12 U.S.C. 4701 *et seq.*), the Regulations (12 CFR parts 1805 and 1815), this NOFA, the Application, Application Materials, or the Uniform Requirements (2 CFR part 1000).

All other information and requirements set forth in the NOFA published on February 21, 2020, shall remain effective, as published.

I. Agency Contacts

A. *General information on questions and CDFI Fund support.* The CDFI Fund will respond to questions concerning

this NOFA and the Application between the hours of 9:00 a.m. and 5:00 p.m. Eastern Time, starting on the date that the NOFA is published through the dates listed in this NOFA. The CDFI Fund strongly recommends Applicants submit questions to the CDFI Fund via an AMIS service request to the CDFI Program, Office of Certification, Compliance Monitoring and Evaluation, or IT Help Desk. The CDFI Fund will post on its website responses to reoccurring questions received about the NOFA and Application. Other information regarding the CDFI Fund and its programs may be obtained from the CDFI Fund's website at *http://www.cdfifund.gov.*

B. *The CDFI Fund's contact information is as follows:*

TABLE A—CONTACT INFORMATION

Type of question	Preferred method	Telephone number (not toll free)	Email addresses
CDFI Program	Service Request via AMIS	202–653–0421, option 1	*cdfihelp@cdfi.treas.gov.*
CCME	Service Request via AMIS	202–653–0423	*ccme@cdfi.treas.gov.*
AMIS—IT Help Desk	Service Request via AMIS	202–653–0422	*AMIS@cdfi.treas.gov.*

C. *Communication with the CDFI Fund.* The CDFI Fund will use the contact information in AMIS to communicate with Applicants and Recipients. It is imperative therefore, that Applicants, Recipients, Subsidiaries, Affiliates, and signatories maintain accurate contact information in their accounts. This includes information such as contact names (especially for the Authorized Representative), email addresses, fax and phone numbers, and office locations. For more information about AMIS, please see the AMIS Landing Page at *https://amis.cdfifund.gov.*

Authority: 12 U.S.C. 4701, *et seq.;* 12 CFR parts 1805 and 1815; 2 CFR part 200.

Jodie L. Harris,

Director, Community Development Financial Institutions Fund.

[FR Doc. 2020–07685 Filed 4–10–20; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Proposed Collection; Comment Request; Notice to Account Holder for Garnishment of Accounts Containing Federal Benefit Payments

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to comment on the proposed information collections listed below, in accordance with the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before June 12, 2020.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8100, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Alexander Abawi by emailing *Alexander.Abawi@treasury.gov,* calling (202) 622–7214, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Title: Notice to Account Holder for Garnishment of Accounts Containing Federal Benefit Payments.

OMB Control Number: 1505–0230.

Type of Review: Extension without change of currently approved collection.

Description: Certain federal benefits are exempt from garnishment orders. In order to give force and effect to federal anti-garnishment statutes, financial institutions, and child support enforcement agencies must maintain records of actions taken in handling garnishments and provide notices to financial account holders.

Form: None.

Affected Public: Business or other for-profit institutions, State and Local Governments.

Estimated Number of Respondents: 130,250.

Frequency of Response: Once.

Estimated Total Number of Annual Responses: 130,250.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 23,355 hours.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: April 8, 2020.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2020–07714 Filed 4–10–20; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0850]

Agency Information Collection Activity: Requirements for Recognition as a VA Accredited Organization

AGENCY: Office of General Counsel, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of General Counsel (OGC), 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 June 12, 2020.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Jonathan Taylor, Office of the General Counsel (022D), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *jonathan.taylor2@va.gov.* Please refer to ''OMB Control No. 2900–0850'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Danny S. Green, VA PRA Clearance Officer at (202) 421–1354.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OGC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OGC's functions, including whether the information will have practical utility; (2) the accuracy of OGC'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: 38 U.S.C. 5902; 38 CFR 14.628.

Title: Requirements for Recognition as a VA Accredited Organization.

OMB Control Number: 2900–0850.

Type of Review: Extension of a currently approved collection.

Abstract: In order for an organization to provide representation to claimants before VA regarding claims for VA benefits, the organization must be recognized by VA for that purpose. Section 5902(a) of title 38, United States Code, authorizes VA to recognize organizations for the limited purpose of ensuring competent representation of veterans in claims for benefits administered by VA. VA implemented this authority in 38 CFR 14.628. An organization must apply for VA recognition, supplying information as specified in section 14.628 to demonstrate that it satisfies the legal requirements for recognition. (Organizations may provide services to veterans without VA recognition if the services do not include the preparation, presentation, and prosecution of claims for VA benefits.) The information submitted by the organizations in conjunction with a request for recognition is used by VA in reviewing accreditation applications to determine whether organizations meet the requirements for VA recognition under section 14.628. VA relies on this information to ensure that it is granting recognition only to organizations that can provide long-term, competent representation to VA claimants.

Affected Public: Individuals, not-for-profit institutions, and state, local, or tribal governments.

Estimated Annual Burden: 50 hours.

Estimated Average Burden per Respondent: 5 hours.

Frequency of Response: One time.

Estimated Number of Respondents: 10.

By direction of the Secretary.

Danny S. Green,

VA PRA Clearance Officer, Office of Quality, Performance and Risk, Department of Veterans Affairs.

[FR Doc. 2020–07642 Filed 4–10–20; 8:45 am]

BILLING CODE 8320–01–P

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