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FEDERAL REGISTER

Vol. 85 Monday,
No. 86 May 4, 2020

Pages 26319–26600

OFFICE OF THE FEDERAL REGISTER

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BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1026

Application of Certain Provisions in the TILA–RESPA Integrated Disclosure Rule and Regulation Z Right of Rescission Rules in Light of the COVID–19 Pandemic

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Interpretive rule.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is issuing this interpretive rule to provide guidance to creditors and other covered persons involved in the mortgage origination process. The Bureau understands that the COVID–19 pandemic could pose temporary business disruptions and challenges for covered persons that are involved in the mortgage origination process, including creditors, loan originators, settlement agents, and other parties such as real estate appraisers. The Bureau recognizes, furthermore, that consumers may have acute needs for proceeds from mortgage transactions as well as uncertainty and confusion about the origination process. In recent weeks, the Bureau has received a number of questions and requests for clarification from stakeholders, including creditors, industry representatives, and State regulators, about the application of certain provisions in the TILA–RESPA Integrated Disclosure (TRID) Rule and Regulation Z's right of rescission rules (Regulation Z Rescission Rules) in light of the COVID–19 pandemic. The Bureau concludes in this interpretive rule that if a consumer determines that his or her need to obtain funds due to the COVID–19 pandemic (1) necessitates consummating the credit transaction before the end of the TRID Rule waiting periods or (2) must be met before the end of the Regulation Z Rescission Rules waiting period, then the consumer has a bona fide personal financial emergency that would permit the consumer to utilize the modification and waiver provisions, subject to the applicable procedures set forth in the TRID Rule and Regulation Z Rescission Rules. The Bureau also concludes in this interpretive rule that the COVID–19 pandemic is a ''changed circumstance'' for purposes of certain TRID Rule provisions, allowing creditors to use revised estimates reflecting changes in settlement charges for purposes of determining good faith. This interpretive rule will help expedite consumers' access to credit under the TRID Rule and Regulation Z Rescission Rules.

DATES: This interpretive rule is effective on May 4, 2020.

FOR FURTHER INFORMATION CONTACT: Michael G. Silver, Senior Counsel, Office of Regulations, (202) 435–7700, or *https://reginquiries.consumerfinance.gov/*. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov*.

SUPPLEMENTARY INFORMATION:

I. Discussion

A. Background

The Bureau recognizes the serious impact the COVID–19 pandemic is having on many consumers and on the operations of many entities, including those involved in the mortgage origination process, and the challenges of this unique and rapidly evolving situation.

The Bureau understands that the current crisis is causing temporary business disruptions and is creating challenges for some businesses involved in the mortgage origination process, including creditors, mortgage loan originators, settlement agents, and other parties such as real estate appraisers. The difficulties some businesses are facing include operational and staffing challenges in processing loan applications, estimating mortgage transaction costs, delivering disclosures, providing third party services relating to mortgage origination, and closing loans. The Bureau understands that these difficulties also are affecting some other entities, such as county recorders' offices, that provide information relating to the costs of mortgage transactions or otherwise play a role in the mortgage origination process.

The Bureau recognizes, furthermore, that due to the impacts of the COVID–19 pandemic, some consumers have an acute need for proceeds from mortgage transactions as well as uncertainty or confusion about the origination process. Some consumers are seeking to refinance their homes quickly to obtain funds to meet financial needs that are due to the COVID–19 pandemic.

The timely good-faith estimates of mortgage transaction costs under the TRID Rule and the disclosures under the Regulation Z Rescission Rules along with their corresponding waiting periods, the provisions for which are described in more detail in part I.B, facilitate prudent consumer decision-making. Providing these estimates and disclosures along with their corresponding waiting periods under the general legal standards in these rules, however, may result in delay in the transactions of some consumers seeking to respond to emergency conditions. However, the TRID Rule and Regulation Z Rescission Rules include provisions intended to provide regulatory flexibility in certain circumstances. This interpretive rule is intended to spotlight and clarify these provisions for consumers and mortgage origination businesses so that they can take advantage of these provisions during the COVID–19 pandemic.

The TRID Rule (which is codified in Regulation Z) and the Regulation Z Rescission Rules implement the Truth in Lending Act (TILA).[1] The TRID Rule imposes certain disclosure requirements and waiting periods related to mortgage transactions.[2] The Regulation Z Rescission Rules provide consumers with the right to rescind certain credit transactions secured by their principal dwelling.[3] The Regulation Z Rescission Rules also impose waiting periods.

In recent weeks, the Bureau has received a number of questions and requests for clarification from stakeholders, including creditors, industry representatives, and State regulators, about these provisions and their application in light of the COVID–19 pandemic. Given the challenges posed by the current crisis, the Bureau is issuing this interpretive rule to

[1] 12 U.S.C. 1601 *et seq.*

[2] *See* 12 CFR 1026.19(e) and (f).

[3] *See* 12 CFR 1026.15, 1026.23.

provide guidance to covered persons that must comply with the TRID Rule or the Regulation Z Rescission Rules. The Bureau continues to seek stakeholder feedback and evaluate whether the Bureau should provide any additional guidance about the application of the laws and regulations under the Bureau's purview pertaining to the mortgage origination process in light of the COVID–19 pandemic.

B. Specific Guidance Regarding the TRID Rule and the Regulation Z Rescission Rules in Light of the COVID–19 Pandemic

1. Bona Fide Personal Financial Emergency

Under the TRID Rule, creditors generally must deliver or place in the mail the Loan Estimate to consumers no later than seven business days before consummation and consumers must receive the Closing Disclosure no later than three business days before consummation.[4] The Regulation Z Rescission Rules also provide consumers with at least three business days from consummation to rescind certain credit obligations secured by the consumer's principal dwelling, and creditors are required to provide consumers with a disclosure informing them of this rescission right.[5] Under the TRID Rule and the Regulation Z Rescission Rules, however, after receiving the required disclosure(s), a consumer may modify or waive these waiting periods if the consumer determines that he or she needs credit extended to meet a bona fide personal financial emergency.[6] For the waiting periods to be modified or waived, the creditor must have a dated written statement by the consumer that: (1) Describes the emergency, (2) specifically modifies or waives the waiting period, and (3) bears the signature of all consumers who are primarily liable on the legal obligation (for the TRID Rule) or who are entitled to rescind (for the Regulation Z Rescission Rules).[7] Commentary to the TRID Rule modification and waiver provisions clarifies that ''[t]he consumer must have a bona fide personal financial emergency that necessitates consummating the credit transaction before the end of the waiting period.'' The commentary also clarifies that whether these conditions are met is determined by the facts or circumstances of individual situations, and provides one example.[8] Commentary to the Regulation Z Rescission Rules waiver provision similarly clarifies that for a consumer to waive the rescission waiting period, ''the consumer must have a bona fide personal financial emergency that must be met before the end of the rescission period.'' [9]

On September 14, 2018, the Bureau issued its ''Statement on Supervisory Practices Regarding Financial Institutions and Consumers Affected by a Major Disaster or Emergency'' (2018 Supervisory Statement). The 2018 Supervisory Statement explained that Regulation Z provides that consumers may waive or modify the timing requirements described above if necessary to meet a bona fide personal financial emergency and that this ''regulatory flexibility can help expedite access to credit for consumers facing a bona fide personal financial emergency following a major disaster or emergency.'' [10]

The Bureau recognizes that a consumer's need to obtain funds due to the COVID–19 pandemic can similarly create a bona fide personal financial emergency. The Bureau is responding to stakeholders' questions and requests for clarification about the applicability of these provisions during the COVID–19 pandemic. The Bureau has determined to issue this interpretive rule to provide general guidance to stakeholders and other members of the public. Accordingly, the Bureau is clarifying that (1) if a consumer determines that the extension of credit is needed to meet a bona fide personal financial emergency, (2) the consumer's brief statement describing the emergency identifies a financial need that is due to the COVID–19 pandemic, and (3) the emergency necessitates consummating the credit transaction before the end of an applicable TRID Rule waiting period or must be met before the end of the Regulation Z Rescission Rules waiting period, then the consumer has a bona fide personal financial emergency that would permit the consumer to utilize the modification and waiver provisions, subject to the applicable procedures set forth in the TRID Rule and the Regulation Z Rescission Rules.[11]

Regulation Z does not mandate that creditors inform consumers of their ability to use the modification and waiver provisions in the TRID Rule or the Regulation Z Rescission Rules if the consumer has a bona fide financial emergency. Some consumers may be unaware that these provisions may be available to them. Thus, the Bureau encourages creditors to consider voluntarily informing consumers during the COVID–19 pandemic of their ability to utilize the modification and waiver provisions for bona fide personal financial emergencies if the consumer has a need to obtain funds due to the COVID–19 pandemic prior to the end of an applicable waiting period.

2. Changed Circumstances

Under the TRID Rule, creditors [12] must estimate in good faith the costs that consumers will incur in connection

[4] 12 CFR 1026.19(e)(1)(iii)(B), 1026.19(f)(1)(ii)(A). Section 1026.19(f)(2)(ii) also provides for a corrected Closing Disclosure and additional three-day waiting period if certain changes are made before consummation, which is subject to the TRID Rule modification and waiver provisions described below. 12 CFR 1026.19(f)(2)(ii).

[5] 12 CFR 1026.15(a), 1026.23(a). These Regulation Z provisions implement the statutory rescission right provisions in TILA section 125. *See* 12 U.S.C. 1635. The rescission right generally applies to refinancings and other non-purchase credit transactions (subject to certain limitations), but not to residential mortgage transactions (*i.e.,* where a security interest is created or retained in the consumer's principal dwelling to finance the acquisition or initial construction of that dwelling, as defined in § 1026.2(a)(24)). *See* 12 CFR 1026.23(f). *See also* 12 CFR 1026.15(f).

[6] 12 CFR 1026.15(e); 12 CFR 1026.19(e)(1)(v), (f)(1)(iv); 12 CFR 1026.23(e). *See also* 12 CFR 1026.19(a)(3). The modification and waiver provisions in the TRID Rule and the Regulation Z Rescission Rules implement the statutory provisions in TILA sections 128(b)(2)(F) and 125(d). *See* 12 U.S.C. 1638(b)(2)(F), 12 U.S.C. 1635(d).

[7] 12 CFR 1026.15(e); 12 CFR 1026.19(e)(1)(v), (f)(1)(iv); 12 CFR 1026.23(e). *See also* 12 CFR 1026.19(a)(3).

[8] *See* comments 19(e)(1)(v)–1, 19(f)(1)(iv)–1 (''The imminent sale of the consumer's home at foreclosure, where the foreclosure sale will proceed unless loan proceeds are made available to the consumer during the waiting period, is one example of a bona fide personal financial emergency.''); *see also* comment 19(a)(3)–1.

[9] Comment 23(e)–1. Comment 23(e)–2 also clarifies that, ''To waive or modify the right to rescind, the consumer must give a written statement that specifically waives or modifies the right, and also includes a brief description of the emergency.'' Unlike the TRID Rule, the commentary to 12 CFR 1026.23(e) does not include any examples of what circumstances constitute a bona fide personal financial emergency. *See also* comment 15(e)–2.

[10] Bureau of Consumer Financial Protection, ''Statement on Supervisory Practices Regarding Financial Institutions and Consumers Affected by a Major Disaster or Emergency,'' Sept. 14, 2018, *available at: https://files.consumerfinance.gov/f/documents/bcfp_statement-on-supervisory-practices_disaster-emergency.pdf.*

[11] Neither the TRID Rule nor the Regulation Z Rescission Rules modification and waiver provisions permit creditors to use printed forms for consumers to agree to such modifications or waivers. *See* 12 CFR 1026.15(e); 1026.19(e)(1)(v) and (f)(1)(iv); 12 CFR 1026.23(e). The Bureau notes that this prohibition also applies to disclosures delivered in compliance with the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 *et seq.*). For example, the creditor cannot include a pre-populated waiver form within a batch of electronic disclosures provided to the consumer under the TRID Rule, Regulation Z, and other regulations.

[12] The TRID Rule also permits mortgage brokers to provide the Loan Estimate, but the creditor remains responsible for satisfaction of the requirements under § 1026.19(e). *See* 12 CFR 1026.19(e)(1)(ii).

with their mortgage transaction and disclose them on the Loan Estimate.[13] For purposes of determining good faith under the TRID Rule, creditors may use revised estimates of such costs in a limited number of situations pursuant to Regulation Z, § 1026.19(e)(3)(iv).[14] One such situation is if there are ''changed circumstances'' that affect the settlement charges consumers would incur.[15] The TRID Rule specifies that changed circumstances includes ''an extraordinary event beyond the control of any interested party,'' with the commentary to the TRID Rule clarifying that a ''war or natural disaster'' is an example of such an extraordinary event.[16]

Economic disruptions and shortages during the COVID–19 pandemic may affect the ability of stakeholders to provide accurate estimates of some settlement charges. Stakeholders have sought guidance from the Bureau as to whether the COVID–19 pandemic is an extraordinary event that permits creditors to provide consumers with revised estimates reflecting changes in settlement charges. For example, a stakeholder asked to clarify whether, for purposes of establishing good faith, a creditor could provide a revised estimate of the appraisal fee based on changed circumstances where (1) the amount disclosed on the Loan Estimate was based on a reasonable market price at the time of the estimate and (2) the actual appraisal fee was higher because of a shortage of available appraisers due to the effects of the COVID–19 pandemic. Upon consideration of the interpretive issues, the Bureau concludes that, as with wars or natural disasters, the COVID–19 pandemic is an example of an extraordinary event beyond the control of any interested party, and thus is a changed circumstance. Accordingly, for purposes of determining good faith, creditors may use revised estimates of settlement charges that consumers would incur in connection with the mortgage transaction if the COVID–19 pandemic has affected the estimate of such settlement charges.[17]

3. Legal Authority and TILA Safe Harbor Provisions

The Bureau is issuing this interpretive rule based on its authority to interpret TILA and Regulation Z, including under section 1022(b)(1) of the Dodd-Frank Act, which authorizes guidance as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws.[18]

By operation of TILA section 130(f), no provision of TILA sections 108(b), 108(c), 108(e), 112, or 130 imposing any liability applies to any act done or omitted in good faith in conformity with this interpretive rule, notwithstanding that after such act or omission has occurred, this interpretive rule is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.[19]

II. Effective Date

Because this rule is solely interpretive, it is not subject to the 30-day delayed effective date for substantive rules under section 553(d) of the Administrative Procedure Act.[20] Therefore, this rule is effective on May 4, 2020, the same date that it is published in the **Federal Register**.

III. Regulatory Requirements

This rule articulates the Bureau's interpretation of Regulation Z and TILA. As an interpretive rule, it is exempt from the notice-and-comment rulemaking requirements of the Administrative Procedure Act.[21] Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.[22]

The Bureau has determined that this interpretive rule does not impose any new or revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring OMB approval under the Paperwork Reduction Act.[23]

IV. Congressional Review Act

Pursuant to the Congressional Review Act,[24] the Bureau will submit a report containing this interpretive rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to the rule's published effective date. The Office of Information and Regulatory Affairs has designated this interpretive rule as not a ''major rule'' as defined by 5 U.S.C. 804(2).

V. Signing Authority

The Director of the Bureau, having reviewed and approved this document, is delegating the authority to electronically sign this document to Laura Galban, a Bureau Federal Register Liaison, for purposes of publication in the **Federal Register**.

Dated: April 29, 2020.

Laura Galban,

Federal Register Liaison, Bureau of Consumer Financial Protection.

[FR Doc. 2020–09515 Filed 5–1–20; 8:45 am]

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[13] 12 CFR 1026.19(e)(3). As a general rule, an estimated closing cost disclosed on the Loan Estimate pursuant to § 1026.19(e)(1)(i) is in good faith if the charge paid by or imposed on the consumer does not exceed the amount originally disclosed. 12 CFR 1026.19(e)(3)(i). For certain categories of settlement charges, good faith is determined with reference to whether: (1) The aggregate amount of certain charges paid by or imposed on the consumer does not exceed the aggregate amount of those charges disclosed pursuant to § 1026.19(e)(1)(i) by more than 10 percent (*see* 12 CFR 1026.19(e)(3)(ii)(A)); or (2) the charge was estimated consistent with the best information reasonably available at the time it was disclosed, regardless of whether the final amount exceeds the estimated amount (*see* 12 CFR 1026.19(e)(3)(iii)).

[14] 12 CFR 1026.19(e)(3)(iv); 12 CFR 1026.19(e)(4)(i). Under § 1026.19(e)(4)(i), the revised estimates must be reflected on a revised version of the Loan Estimate, on the Closing Disclosure, or on a corrected Closing Disclosure.

[15] 12 CFR 1026.19(e)(3)(iv)(A).

[16] 12 CFR 1026.19(e)(3)(iv)(A)(*1*); comment 19(e)(3)(iv)(A)–2.

[17] *See id.;* 12 CFR 1026.19(e)(4)(i). As noted above, the revised estimates must be reflected on a revised version of the Loan Estimate, on the Closing Disclosure, or on a corrected Closing Disclosure. 12 CFR 1026.19(e)(4)(i). *See also* 12 CFR 1024.2(b) (definition of ''Changed circumstances'' in Regulation X, which predates the TRID Rule changed circumstance definition, includes ''Acts of God, war, disaster, or other emergency'').

[18] 12 U.S.C. 5512(b)(1). The relevant provisions of TILA and Regulation Z form part of Federal consumer financial law. *See* 12 U.S.C. 5481(12)(O), (14).

[19] 15 U.S.C. 1640(f).

[20] 5 U.S.C. 553(d).

[21] 5 U.S.C. 553(b).

[22] 5 U.S.C. 603(a), 604(a).

[23] 44 U.S.C. 3501 *et seq.*

[24] 5 U.S.C. 801 *et seq.*

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Docket Number SBA–2020–0022]

RIN 3245–AH38

Business Loan Program Temporary Changes; Paycheck Protection Program—Requirements—Disbursements

AGENCY: U. S. Small Business Administration.

ACTION: Interim final rule.

SUMMARY: On April 2, 2020, the U.S. Small Business Administration (SBA) posted an interim final rule (the First PPP Interim Final Rule) announcing the implementation of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act or the Act). The Act

temporarily adds a new program, titled the ''Paycheck Protection Program,'' to the SBA's 7(a) Loan Program. The Act also provides for forgiveness of up to the full principal amount of qualifying loans guaranteed under the Paycheck Protection Program (PPP). The PPP is intended to provide economic relief to small businesses nationwide adversely impacted by the Coronavirus Disease 2019 (COVID–19). SBA posted additional interim final rules on April 3, 2020, April 14, 2020, and April 24, 2020. This interim final rule supplements the previously posted interim final rules with additional guidance. This interim final rule supplements SBA's implementation of the Act and requests public comment.

DATES:

Effective date: This rule is effective May 4, 2020.

Applicability date: This interim final rule applies to applications submitted under the Paycheck Protection Program through June 30, 2020, or until funds made available for this purpose are exhausted.

Comment date: Comments must be received on or before June 3, 2020.

ADDRESSES: You may submit comments, identified by number SBA–2020–0022, through the Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments. SBA will post all comments on *www.regulations.gov*. If you wish to submit confidential business information (CBI) as defined in the User Notice at *www.regulations.gov,* please send an email to *ppp-ifr@sba.gov*. Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review the information and make the final determination whether it will publish the information.

FOR FURTHER INFORMATION CONTACT: A Call Center Representative at 833–572–0502, or the local SBA Field Office; the list of offices can be found at *https://www.sba.gov/tools/local-assistance/districtoffices*.

SUPPLEMENTARY INFORMATION:

I. Background Information

On March 13, 2020, President Trump declared the ongoing Coronavirus Disease 2019 (COVID–19) pandemic of sufficient severity and magnitude to warrant an emergency declaration for all States, territories, and the District of Columbia. With the COVID–19 emergency, many small businesses nationwide are experiencing economic hardship as a direct result of the Federal, State, tribal, and local public health measures that are being taken to minimize the public's exposure to the virus. These measures, some of which are government-mandated, are being implemented nationwide and include the closures of restaurants, bars, and gyms. In addition, based on the advice of public health officials, other measures, such as keeping a safe distance from others or even stay-at-home orders, are being implemented, resulting in a dramatic decrease in economic activity as the public avoids malls, retail stores, and other businesses.

On March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security Act (the CARES Act or the Act) (Pub. L. 116–136) to provide emergency assistance and health care response for individuals, families, and businesses affected by the coronavirus pandemic. The Small Business Administration (SBA) received funding and authority through the Act to modify existing loan programs and establish a new loan program to assist small businesses nationwide adversely impacted by the COVID–19 emergency. Section 1102 of the Act temporarily permits SBA to guarantee 100 percent of 7(a) loans under a new program titled the ''Paycheck Protection Program.'' Section 1106 of the Act provides for forgiveness of up to the full principal amount of qualifying loans guaranteed under the Paycheck Protection Program. On April 24, 2020, the President signed the Paycheck Protection Program and Health Care Enhancement Act (Pub. L. 116–139), which provided additional funding and authority for the Paycheck Protection Program.

II. Comments and Immediate Effective Date

The intent of the Act is that SBA provide relief to America's small businesses expeditiously. This intent, along with the dramatic decrease in economic activity nationwide, provides good cause for SBA to dispense with the 30-day delayed effective date provided in the Administrative Procedure Act. Specifically, it is critical to meet lenders' and borrowers' need for clarity concerning program requirements as rapidly as possible because the last day eligible borrowers can apply for and receive a loan is June 30, 2020.

This interim final rule supplements previous regulations and guidance on several important, discrete issues. The immediate effective date of this interim final rule will benefit lenders so that they can swiftly close and disburse loans to small businesses. This interim final rule is effective without advance notice and public comment because section 1114 of the Act authorizes SBA to issue regulations to implement Title I of the Act without regard to notice requirements. This rule is being issued to allow for immediate implementation of this program. Although this interim final rule is effective immediately, comments are solicited from interested members of the public on all aspects of the interim final rule, including section III below. These comments must be submitted on or before June 3, 2020. SBA will consider these comments and the need for making any revisions as a result of these comments.

III. Paycheck Protection Program Requirements for Disbursements

Overview

The CARES Act was enacted to provide immediate assistance to individuals, families, and organizations affected by the COVID–19 emergency. Among the provisions contained in the CARES Act are provisions authorizing SBA to temporarily guarantee loans under the Paycheck Protection Program (PPP). Loans under the PPP will be 100 percent guaranteed by SBA, and the full principal amount of the loans and any accrued interest may qualify for loan forgiveness. Additional information about the PPP is available in the First PPP Interim Final Rule (85 FR 20811), a second interim final rule (85 FR 20817) (the Second PPP Interim Final Rule), a third interim final rule (85 FR 21747) (the Third PPP Interim Final Rule), a fourth interim final rule (85 FR 23450) (the Fourth PPP Interim Final Rule), and in an interim final rule issued by the Department of the Treasury, which was posted for public inspection at the **Federal Register** on April 28, 2020 (FR Doc. 2020–09239) (collectively, the PPP Interim Final Rules).

1. Disbursements

a. Can a borrower take multiple draws from a PPP loan and thereby delay the start of the eight-week covered period?

No. The lender must make a one-time, full disbursement of the PPP loan within ten calendar days of loan approval; for the purposes of this rule, a loan is considered approved when the loan is assigned a loan number by SBA.[1] For loans that received an SBA loan number prior to the posting of this interim final rule but have not yet been fully disbursed, the following transition rules apply:

[1] If the tenth calendar day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next business day.

• The ten calendar-day period described above begins on April 28, 2020.

• The eight-week covered period began on the date of first disbursement.

Notwithstanding this limitation, lenders are not responsible for delays in disbursement attributable to a borrower's failure to timely provide required loan documentation, including a signed promissory note. Loans for which funds have not been disbursed because a borrower has not submitted required loan documentation within 20 calendar days of loan approval shall be cancelled by the lender, subject to the transition rules above. When disbursing loans, lenders must send any amount of loan proceeds designated for the refinance of an EIDL loan directly to SBA and not to the borrower.

The Administrator, in consultation with the Secretary, determined that requiring a single loan disbursement will best serve the interests of both borrowers and lenders and promote the purposes of the CARES Act. A single loan disbursement will eliminate the risk of delays in processing loan disbursement installments, advance the goal of payroll continuity for employees, and provide borrowers with faster access to the full loan amount so that they can immediately cover payroll costs.

b. By when must a lender electronically submit an SBA Form 1502 indicating that PPP loan funds have been disbursed?

SBA will make available a specific SBA Form 1502 reporting process through which PPP lenders will report on PPP loans and collect the processing fee on fully disbursed loans to which they are entitled. Lenders must electronically upload SBA Form 1502 information within 20 calendar days after a PPP loan is approved or, for loans approved before availability of the updated SBA Form 1502 reporting process, by May 18, 2020. The lender must report on SBA Form 1502 whether it has fully disbursed PPP loan proceeds. A lender will not receive a processing fee: (1) Prior to full disbursement of the PPP loan; (2) if the PPP loan is cancelled before disbursement; or (3) if the PPP loan is cancelled or voluntarily terminated and repaid after disbursement (including if a borrower repays the PPP loan proceeds to conform to the borrower's certification regarding the necessity of the PPP loan request). In addition to providing ACH credit information to direct payment of the requested processing fee, lenders will be required to confirm that all PPP loans for which the lender is requesting a processing fee have been fully disbursed on the disbursement dates and in the loan amounts reported. A lender must report through either Etran Servicing or the SBA Form 1502 report any PPP loans that have been cancelled before disbursement or that have been cancelled or voluntarily terminated and repaid after disbursement.

The Administrator, in consultation with the Secretary, determined that requiring lenders to report on disbursement within 20 calendar days of loan approval ensures that disbursement of funds to eligible borrowers will occur more rapidly. This requirement also will enhance SBA's ability to track program data.

2. Additional Information

SBA may provide further guidance, if needed, through SBA notices that will be posted on SBA's website at *www.sba.gov*. Questions on the Paycheck Protection Program may be directed to the Lender Relations Specialist in the local SBA Field Office. The local SBA Field Office may be found at *https://www.sba.gov/tools/local-assistance/districtoffices*.

Compliance With Executive Orders 12866, 12988, 13132, 13563, and 13771, the Paperwork Reduction Act (44 U.S.C. Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Orders 12866, 13563, and 13771

This interim final rule is economically significant for the purposes of Executive Orders 12866 and 13563, and is considered a major rule under the Congressional Review Act. SBA, however, is proceeding under the emergency provision at Executive Order 12866 Section 6(a)(3)(D) based on the need to move expeditiously to mitigate the current economic conditions arising from the COVID–19 emergency. This rule's designation under Executive Order 13771 will be informed by public comment.

Executive Order 12988

SBA has drafted this rule, to the extent practicable, in accordance with the standards set forth in section 3(a) and 3(b)(2) of Executive Order 12988, to minimize litigation, eliminate ambiguity, and reduce burden. The rule has no preemptive or retroactive effect.

Executive Order 13132

SBA has determined that this rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various layers of government. Therefore, SBA has determined that this rule has no federalism implications warranting preparation of a federalism assessment.

Paperwork Reduction Act, 44 U.S.C. Chapter 35

SBA has determined that this rule will not impose new or modify existing recordkeeping or reporting requirements under the Paperwork Reduction Act.

Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (RFA) generally requires that when an agency issues a proposed rule, or a final rule pursuant to section 553(b) of the APA or another law, the agency must prepare a regulatory flexibility analysis that meets the requirements of the RFA and publish such analysis in the **Federal Register**. 5 U.S.C. 603, 604. Specifically, the RFA normally requires agencies to describe the impact of a rulemaking on small entities by providing a regulatory impact analysis. Such analysis must address the consideration of regulatory options that would lessen the economic effect of the rule on small entities. The RFA defines a ''small entity'' as (1) a proprietary firm meeting the size standards of the Small Business Administration (SBA); (2) a nonprofit organization that is not dominant in its field; or (3) a small government jurisdiction with a population of less than 50,000. 5 U.S.C. 601(3)–(6). Except for such small government jurisdictions, neither State nor local governments are ''small entities.'' Similarly, for purposes of the RFA, individual persons are not small entities. The requirement to conduct a regulatory impact analysis does not apply if the head of the agency ''certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' 5 U.S.C. 605(b). The agency must, however, publish the certification in the **Federal Register** at the time of publication of the rule, ''along with a statement providing the factual basis for such certification.'' If the agency head has not waived the requirements for a regulatory flexibility analysis in accordance with the RFA's waiver provision, and no other RFA exception applies, the agency must prepare the regulatory flexibility analysis and publish it in the **Federal Register** at the time of promulgation or, if the rule is promulgated in response to an emergency that makes timely compliance impracticable, within 180 days of publication of the final rule. 5 U.S.C. 604(a), 608(b).

Rules that are exempt from notice and comment are also exempt from the RFA requirements, including conducting a

regulatory flexibility analysis, when among other things the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. SBA Office of Advocacy guide: How to Comply with the Regulatory Flexibility Act, Ch.1. p.9. Accordingly, SBA is not required to conduct a regulatory flexibility analysis.

Jovita Carranza,

Administrator.

[FR Doc. 2020–09398 Filed 5–1–20; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Docket Number SBA–2020–0023]

RIN 3245–AH39

Business Loan Program Temporary Changes; Paycheck Protection Program—Requirements—Corporate Groups and Non-Bank and Non-Insured Depository Institution Lenders

AGENCY: U. S. Small Business Administration.

ACTION: Interim final rule.

SUMMARY: On April 2, 2020, the U.S. Small Business Administration (SBA) posted an interim final rule announcing the implementation of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The CARES Act temporarily adds a new program, titled the ''Paycheck Protection Program,'' to the SBA's 7(a) Loan Program. The CARES Act also provides for forgiveness of up to the full principal amount of qualifying loans guaranteed under the Paycheck Protection Program (PPP). The PPP is intended to provide economic relief to small businesses nationwide adversely impacted by the Coronavirus Disease 2019 (COVID–19). SBA posted additional interim final rules on April 3, 2020, April 14, 2020, April 24, 2020, and April 28, 2020, and the Department of the Treasury posted an additional interim final rule on April 28, 2020. This interim final rule supplements the previously posted interim final rules by limiting the amount of PPP loans that any single corporate group may receive and provides additional guidance on the criteria for non-bank lender participation in the PPP, and requests public comment.

DATES:

Effective date: This rule is effective May 4, 2020.

Applicability date: This interim final rule applies to applications submitted under the Paycheck Protection Program through June 30, 2020, or until funds made available for this purpose are exhausted.

Comment date: Comments must be received on or before June 3, 2020.

ADDRESSES: You may submit comments, identified by number SBA–2020–0023 through the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. SBA will post all comments on *www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *www.regulations.gov,* please send an email to *ppp-ifr@sba.gov.* Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review the information and make the final determination whether it will publish the information.

FOR FURTHER INFORMATION CONTACT: A Call Center Representative at 833–572–0502, or the local SBA Field Office; the list of offices can be found at *https://www.sba.gov/tools/local-assistance/districtoffices.*

SUPPLEMENTARY INFORMATION:

I. Background Information

On March 13, 2020, President Trump declared the ongoing Coronavirus Disease 2019 (COVID–19) pandemic of sufficient severity and magnitude to warrant an emergency declaration for all States, territories, and the District of Columbia. With the COVID–19 emergency, many small businesses nationwide are experiencing economic hardship as a direct result of the Federal, State, tribal, and local public health measures that are being taken to minimize the public's exposure to the virus. These measures, some of which are government-mandated, are being implemented nationwide and include the closures of restaurants, bars, and gyms. In addition, based on the advice of public health officials, other measures, such as keeping a safe distance from others or even stay-at-home orders, are being implemented, resulting in a dramatic decrease in economic activity as the public avoids malls, retail stores, and other businesses.

On March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security Act (the CARES Act) (Pub. L. 116–136) to provide emergency assistance and health care response for individuals, families, and businesses affected by the coronavirus pandemic. The Small Business Administration (SBA) received funding and authority through the CARES Act to modify existing loan programs and establish a new loan program to assist small businesses nationwide adversely impacted by the COVID–19 emergency. Section 1102 of the CARES Act temporarily permits SBA to guarantee 100 percent of 7(a) loans under a new program titled the ''Paycheck Protection Program.'' Section 1106 of the CARES Act provides for forgiveness of up to the full principal amount of qualifying loans guaranteed under the Paycheck Protection Program. On April 24, 2020, the President signed the Paycheck Protection Program and Health Care Enhancement Act (Pub. L. 116–139), which provided additional funding and authority for the Paycheck Protection Program.

As described below, to preserve the limited resources available to the PPP program, this interim final rule limits the aggregate amount of PPP loans that any single corporate group may receive. This interim final rule also provides additional guidance regarding lenders eligible to make PPP loans.

II. Comments and Immediate Effective Date

The intent of the CARES Act is that SBA provide relief to America's small businesses expeditiously. This intent, along with the dramatic decrease in economic activity nationwide, provides good cause for SBA to dispense with the 30-day delayed effective date provided in the Administrative Procedure Act. Specifically, it is critical to meet lenders' and borrowers' need for clarity concerning program requirements as rapidly as possible because the last day eligible borrowers can apply for and receive a loan is June 30, 2020.

This interim final rule supplements previous regulations and guidance on certain important, discrete issues. The immediate effective date of this interim final rule will benefit lenders so that they can swiftly close and disburse loans to small businesses. This interim final rule is effective without advance notice and public comment because section 1114 of the CARES Act authorizes SBA to issue regulations to implement Title I of the CARES Act without regard to notice requirements. This rule is being issued to allow for immediate implementation of this program. Although this interim final rule is effective immediately, comments are solicited from interested members of the public on all aspects of this interim final rule, including section III below. These comments must be submitted on or before June 3, 2020. SBA will consider these comments and the need for making any revisions as a result of these comments.

III. Paycheck Protection Program Requirements for Corporate Groups and Non-Bank and Non-Insured Depository Institution Lenders

Overview

The CARES Act was enacted to provide immediate assistance to individuals, families, and organizations affected by the COVID–19 emergency. Among the provisions contained in the CARES Act are provisions authorizing SBA to temporarily guarantee loans under the Paycheck Protection Program (PPP). Loans under the PPP will be 100 percent guaranteed by SBA, and the full principal amount of the loans and any accrued interest may qualify for loan forgiveness. Additional information about the PPP is available in SBA's first PPP interim final rule (85 FR 20811) (the First Interim Final Rule), second interim final rule (85 FR 20817), third interim final rule (85 FR 21747), and fourth interim final rule (85 FR 23450), in an interim final rule issued by the Department of the Treasury, which was posted on April 28, 2020, and in SBA's fifth interim final rule, which was posted on April 28, 2020.

1. Can a single corporate group receive unlimited PPP loans?

No. To preserve the limited resources available to the PPP program, and in light of the previous lapse of PPP appropriations and the high demand for PPP loans, businesses that are part of a single corporate group shall in no event receive more than $20,000,000 of PPP loans in the aggregate.[1] For purposes of this limit, businesses are part of a single corporate group if they are majority owned, directly or indirectly, by a common parent. This limitation shall be immediately effective with respect to any loan that has not yet been fully disbursed as of April 30, 2020.[2]

It is the responsibility of an applicant for a PPP loan to notify the lender if the applicant has applied for or received PPP loans in excess of the amount permitted by this interim final rule and withdraw or request cancellation of any pending PPP loan application or approved PPP loan not in compliance with the limitation set forth in this rule. Failure by the applicant to do so will be regarded as a use of PPP funds for unauthorized purposes, and the loan will not be eligible for forgiveness. A lender may rely on an applicant's representation concerning the applicant's compliance with this limitation.

The Administrator, in consultation with the Secretary, determined that limiting the amount of PPP loans that a single corporate group may receive will promote the availability of PPP loans to the largest possible number of borrowers, consistent with the CARES Act. The Administrator has concluded that a limitation of $20,000,000 strikes an appropriate balance between broad availability of PPP loans and program resource constraints.

SBA's affiliation rules, which relate to an applicant's eligibility for PPP loans, and any waiver of those rules under the CARES Act, continue to apply independent of this limitation. Businesses are subject to this limitation even if the businesses are eligible for the waiver-of-affiliation provision under the CARES Act or are otherwise not considered to be affiliates under SBA's affiliation rules.[3]

This rule has no effect on lender obligations required to obtain an SBA guarantee for PPP loans.

2. Non-Bank and Non-Insured Depository Institution Lenders

a. Can a non-bank lender or non-insured depository institution be approved to be a lender in the PPP if it has originated, maintained, or serviced—but not performed all three of these functions for—more than $50 million in business loans or other commercial financial receivables during a 12-month period in the past 36 months?

Yes. The First Interim Final Rule provides that a non-bank lender or non-insured depository institution may be eligible to be a lender in the PPP if the lender has originated, maintained, and serviced more than $50 million in business loans or other commercial financial receivables during a 12-month period in the past 36 months, in addition to satisfying certain other requirements. To ensure broad and diverse lender participation, SBA and the Department of the Treasury have also determined that such lenders may be approved to make PPP loans if the lender has performed the required volume of any one of these three functions (originating, maintaining, or servicing).

b. Can a non-bank lender that does not meet the $50 million threshold in the First Interim Final Rule for originating, maintaining, and servicing loans or receivables apply to be a lender in the PPP?

Yes. As described in the First Interim Final Rule, a non-bank lender may be eligible to be a lender in the PPP if the lender has originated, maintained, and serviced more than $50 million in business loans or other commercial financial receivables during a 12-month period in the past 36 months, in addition to satisfying certain other requirements. In addition, SBA and the Department of the Treasury have determined that a non-bank lender meets the criteria to be a PPP lender and may be approved to make PPP loans if it has originated, maintained, or serviced more than $10 million in business loans or other commercial financial receivables during a 12-month period in the past 36 months, if the non-bank lender is (1) a community development financial institution (other than a federally insured bank or federally insured credit union) or (2) a majority minority-, women-, or veteran/military-owned lender. Consistent with the First Interim Final Rule, a lender is ineligible if it currently is designated in Troubled Condition by its primary federal regulator or is subject to a formal enforcement action with its primary federal regulator that addresses unsafe or unsound lending practices. An applicant that meets this $10 million threshold but does not meet the $50 million threshold that is otherwise applicable should leave blank the attestation on CARES Act Section 1102 Lender Agreement—Non-Bank and Non-Insured Depository Institution Lenders (SBA Form 3507) related to the $50 million threshold and instead include with its application an attestation stating: ''Lender attests that it has originated, maintained, or serviced more than $10 million in business loans or other commercial financial receivables during a consecutive 12 month period in the past 36 months.''

3. Additional Information

SBA may provide further guidance, if needed, through SBA notices that will be posted on SBA's website at

[1] The Administrator has authority to issue ''such rules and regulations as [the Administrator] deems necessary to carry out the authority vested in him by or pursuant to'' 15 U.S.C. Chapter 14A, including authorities established under section 1102 of the CARES Act. Section 1102 provides that the Administrator ''may'' guarantee loans under the terms and conditions set forth in section 7(a) of the Small Business Act, and those conditions specify a ''maximum''—but not a minimum—loan amount. *See* 15 U.S.C. 636(a)(36)(B), (E); *see also* CARES Act section 1106(k) (authorizing SBA to issue regulations to govern loan forgiveness). To preserve finite appropriations for PPP loans and ensure broad access for eligible borrowers, the Administrator, in consultation with the Secretary, has determined that an aggregate limitation on loans to a single corporate group is necessary and appropriate.

[2] For loans that have been partially disbursed, this limitation applies to any additional disbursement that would cause the total PPP loans to a single corporate group to exceed $20 million.

[3] *See* Section 7(a)(36)(D)(iv) of the Small Business Act (15 U.S.C. 636(a)(36)(D)(iv), as added by the CARES Act; 13 CFR 121.103(b).

www.sba.gov. Questions on the Paycheck Protection Program may be directed to the Lender Relations Specialist in the local SBA Field Office. The local SBA Field Office may be found at *https://www.sba.gov/tools/local-assistance/districtoffices.*

Compliance With Executive Orders 12866, 12988, 13132, 13563, and 13771, the Paperwork Reduction Act (44 U.S.C. Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Orders 12866, 13563, and 13771

This interim final rule is economically significant for the purposes of Executive Orders 12866 and 13563, and is considered a major rule under the Congressional Review Act. SBA, however, is proceeding under the emergency provision at Executive Order 12866 Section 6(a)(3)(D) based on the need to move expeditiously to mitigate the current economic conditions arising from the COVID–19 emergency. This rule's designation under Executive Order 13771 will be informed by public comment.

Executive Order 12988

SBA has drafted this rule, to the extent practicable, in accordance with the standards set forth in section 3(a) and 3(b)(2) of Executive Order 12988, to minimize litigation, eliminate ambiguity, and reduce burden. The rule has no preemptive or retroactive effect.

Executive Order 13132

SBA has determined that this rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various layers of government. Therefore, SBA has determined that this rule has no federalism implications warranting preparation of a federalism assessment.

Paperwork Reduction Act, 44 U.S.C. Chapter 35

SBA has determined that this rule will not impose new or modify existing recordkeeping or reporting requirements under the Paperwork Reduction Act.

Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (RFA) generally requires that when an agency issues a proposed rule, or a final rule pursuant to section 553(b) of the APA or another law, the agency must prepare a regulatory flexibility analysis that meets the requirements of the RFA and publish such analysis in the **Federal Register**. 5 U.S.C. 603, 604. Specifically, the RFA normally requires agencies to describe the impact of a rulemaking on small entities by providing a regulatory impact analysis. Such analysis must address the consideration of regulatory options that would lessen the economic effect of the rule on small entities. The RFA defines a ''small entity'' as (1) a proprietary firm meeting the size standards of the Small Business Administration (SBA); (2) a nonprofit organization that is not dominant in its field; or (3) a small government jurisdiction with a population of less than 50,000. 5 U.S.C. 601(3)–(6). Except for such small government jurisdictions, neither State nor local governments are ''small entities.'' Similarly, for purposes of the RFA, individual persons are not small entities. The requirement to conduct a regulatory impact analysis does not apply if the head of the agency ''certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' 5 U.S.C. 605(b). The agency must, however, publish the certification in the **Federal Register** at the time of publication of the rule, ''along with a statement providing the factual basis for such certification.'' If the agency head has not waived the requirements for a regulatory flexibility analysis in accordance with the RFA's waiver provision, and no other RFA exception applies, the agency must prepare the regulatory flexibility analysis and publish it in the **Federal Register** at the time of promulgation or, if the rule is promulgated in response to an emergency that makes timely compliance impracticable, within 180 days of publication of the final rule. 5 U.S.C. 604(a), 608(b). Rules that are exempt from notice and comment are also exempt from the RFA requirements, including conducting a regulatory flexibility analysis, when among other things the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. SBA Office of Advocacy guide: How to Comply with the Regulatory Flexibility Act, Ch.1. p.9. Accordingly, SBA is not required to conduct a regulatory flexibility analysis.

Jovita Carranza,

Administrator.

[FR Doc. 2020–09576 Filed 5–1–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21, 61, 63, 65, 91, 107, 125, and 141

[Docket No.: FAA–2020–0446; Amdt. No(s). Amendment numbers 21–102, 61–145, 63–43, 65–60, 91–357, 107–3, 125–69, and 141–21]

RIN 2120–AL63

Relief for Certain Persons and Operations During the Coronavirus Disease 2019 (COVID–19) Outbreak

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

ACTION: Final rule.

SUMMARY: This Special Federal Aviation Regulation (SFAR) provides regulatory relief to persons who have been unable to comply with certain training, recent experience, testing, and checking requirements due to the Coronavirus Disease 2019 (COVID–19) outbreak. This relief allows operators to continue to use pilots and other crewmembers in support of essential operations during this period. Additionally, this SFAR provides regulatory relief to certain persons and pilot schools unable to meet duration and renewal requirements due to the outbreak. This rule also allows certain air carriers and operators to fly temporary overflow aircraft, a need resulting from the outbreak, to a point of storage pursuant to a special flight permit with a continuing authorization.

DATES: Effective April 30, 2020 through March 31, 2021.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see ''How to Obtain Additional Information'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action for pilots, contact Craig Holmes, General Aviation and Commercial Division; Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–1100; email *9-AVS-AFS800-COVID19-Correspondence@faa.gov.* For technical questions concerning this action for mechanics and special flight permits, contact Kevin Morgan, Aircraft Maintenance Division; Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–1675; email *Kevin.Morgan@faa.gov.* For

technical questions concerning this action for aircraft dispatchers and flight engineers, contact Theodora Kessaris and Sheri Pippin, Air Transportation Division, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–8166; email *9-AVS-AFS200-COVID-Exemptions@faa.gov.*

SUPPLEMENTARY INFORMATION:

Good Cause for Immediate Adoption

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.'' In addition, section 553(d) of the APA requires that agencies publish a rule not less than 30 days before its effective date, except a substantive rule that relieves a restriction or ''as otherwise provided by the agency for good cause found and published with the rule.'' 5 U.S.C. 553(d)(1) and (3).

The FAA finds good cause under 5 U.S.C. 553(b)(3)(B) to waive prior notice and the opportunity for public comment. The provisions in this final rule provide temporary relief to persons who have been unable to meet certain requirements during the national emergency concerning COVID–19. Without this final rule, certain individuals will not be able to continue exercising privileges in support of essential operations due to their inability to satisfy certain training, recent experience, testing, and checking requirements. Additionally, other individuals may—to the extent possible given closures—attempt to satisfy requirements through means contrary to the national social distancing guidelines in order to avoid economic burdens resulting from non-compliance with FAA regulations.

The FAA recognizes that there are aviation operations outside of air carrier and commercial operations conducted under part 119 of title 14 of the Code of Federal Regulations (14 CFR) that are critical during the COVID–19 outbreak, including operations that support essential services and flights that support fighting the outbreak. These operations are likely to face disruption due to a decreased supply of qualified pilots. Since March 2020 and with each month thereafter, a new group of pilots becomes unavailable to perform critical operations because they cannot comply with certain training, recent experience, testing, or checking requirements. This SFAR will provide temporary relief to certain individuals whose qualifications would otherwise lapse, to ensure there are a sufficient number of qualified personnel available to conduct essential aviation activities during this period. The FAA finds that this temporary action is needed to enable individuals to continue to exercise their airman certificate privileges during the national emergency.

This action is also needed to provide immediate notification to individuals facing impending expiration dates for certificates, endorsements, and test results.[1] With the cessation of many non-essential aviation training and testing activities, many individuals have been unable to complete certain activities before encountering expiration dates. Absent the relief in this rule, persons may attempt to satisfy certain requirements to avoid economic burdens associated with non-compliance, despite the fact that compliance would require acting contrary to the national social distancing guidelines. This final rule provides immediate relief from certain duration and renewal requirements to reduce unnecessary risk of exposure and to assure persons that they will not endure economic burdens due to non-compliance with certain regulations.

Accordingly, the FAA finds that providing notice and an opportunity to comment is contrary to the public interest, because it would delay implementation of this final rule, could result in disruption to critical aviation operations, and could increase the incidence of exposure during this public health emergency.

In addition, for the same reasons stated above, the FAA finds good cause to waive the 30-day delay in effective date of this final rule under 5 U.S.C. 553(d)(3) for the SFAR provisions that address the training and qualification requirements. Because the APA also allows a substantive rule that relieves a restriction to become effective in less than 30 days after publication, the FAA finds that the SFAR provisions that provide relief by extending duration and renewal requirements may also be immediately effective. 5 U.S.C. 553(d)(1).

Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code (49 U.S.C.). 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 49 U.S.C. 106(f), which establishes the authority of the Administrator to promulgate regulations and rules; 49 U.S.C. 44701(a)(5), which requires the Administrator to promulgate regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security; and 49 U.S.C. 44703(a), which requires the Administrator to prescribe regulations for the issuance of airman certificates when the Administrator finds, after investigation, that an individual is qualified for, and physically able to perform the duties related to, the position authorized by the certificate. This rulemaking provides airmen relief from certain training, recency, testing, and checking requirements, and establishes qualification requirements for airmen seeking to conduct essential operations during the COVID–19 outbreak. For these reasons, this rulemaking is within the scope of the FAA's authority.

List of Abbreviations and Acronyms Frequently Used In This Document

ATP—Airline Transport Pilot
COVID–19—Coronavirus Disease 2019
IFR—Instrument Flight Rules
PIC—Pilot in Command
SIC—Second in Command
UAS—Unmanned Aircraft Systems

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[1] Certain FAA regulations require a person to take action within a particular timeframe in order to avoid an expiration. For example, a knowledge test result is generally valid for 24 months. A person must take the practical test before the knowledge test result expires or he or she must retake the knowledge test at additional cost.

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I. Overview of Final Rule

The FAA's regulations contain several training, recent experience, testing, and checking requirements that persons must comply with prior to exercising their airman or crewmember privileges. The FAA's regulations also contain duration requirements, such as those pertaining to medical certificates, the validity of knowledge tests, and general procedures for completing a practical test. Additionally, the FAA prescribes renewal requirements for inspection authorization holders, flight instructors, and pilot school certificates. Because of the national social distancing guidelines to prevent the transmission of COVID–19, persons have been unable to comply with several of the FAA's requirements. As a result, ''lapses'' in qualifications, which occur on the last day of each month, will affect an additional cohort of regulated parties at the end of each month during which stay-at-home advisories are in place and even as routine activities begin to resume. The regulatory relief provided in this SFAR will enable the continuity of aviation operations that are critical during the COVID–19 outbreak, including operations that support essential services and flights that support response efforts. Additionally, the SFAR contains regulatory relief for persons who are unable to satisfy certain requirements, to prevent those persons from enduring unnecessary economic burdens due to circumstances related to the outbreak that are outside of their control.

The FAA's regulations also contain requirements for special flight permits. The COVID–19 public health emergency has resulted in a number of air carriers and operators needing to store aircraft long term. This SFAR provides regulatory relief to temporary overflow aircraft to be flown to a point of storage with a continuing authorization.

This SFAR is effective through March 31, 2021, which is the longest duration of relief under this rule, provided to airman who hold inspection authorizations under part 65. The FAA advises, however, that this date does not reflect the duration for every provision in the SFAR. Each person exercising relief provided by this SFAR should understand the conditions and duration of such relief.

II. Background

Generally, the FAA issues airman certificates to individuals upon successful completion of a knowledge test and practical test. Once an airman holds a certificate, the FAA's regulations contain additional training and qualification requirements that an airman must satisfy to continue exercising the privileges of the certificate or to conduct a particular operation in a specific aircraft.

Part 61 contains various recent experience [2] (''recency'') and recurrent training and checking requirements [3] that a pilot must satisfy prior to acting as pilot in command (PIC).[4] Several regulations require pilots to obtain proficiency checks from someone authorized by the Administrator prior to serving as PIC (or in some cases, second in command (SIC)) of an aircraft.[5] Part 91, subpart K, and part 125 contain specific qualification requirements for crewmembers.[6] Part 107 contains an aeronautical knowledge recency requirement that must be met prior to operating a small unmanned aircraft system (UAS).[7] FAA also has recurrent training and recent experience requirements specific to the Mitsubishi MU–2B [8] and recent experience requirements specific to the Robinson R–22/R–44.[9]

In addition, the FAA prescribes several duration requirements, such as those pertaining to the validity of knowledge tests and procedures for completing practical tests.[10] The FAA's regulations also contain renewal requirements for persons holding flight instructor certificates issued under part 61 and for schools holding pilot school certificates and provisional pilot school certificates issued under part 141.

On January 31, 2020, the Secretary of Health and Human Services declared a public health emergency for the United States to aid in responding to COVID–19. On March 13, 2020, the President declared that the COVID–19 outbreak in the United States constitutes a national emergency. COVID–19 cases have been reported in all 50 States as well as the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands. On March 16, 2020, the President and the White House Coronavirus Task Force announced a program called ''15 Days to Slow the Spread,'' [11] a nationwide effort to slow the spread of COVID–19 in the United States through the implementation of social distancing at all levels of society. On March 31, 2020, the President and the White House Coronavirus Task Force announced ''30 Days to Slow the Spread,'' which extended the social distancing guidelines for 30 days.[12]

The FAA has received several letters from industry associations petitioning the FAA for relief and extensions from certain requirements during the COVID–19 public health emergency.[13] In a letter from the Aircraft Owners and Pilots Association (AOPA), National Business Aviation Association (NBAA), General Aviation Manufacturers Association (GAMA) and Experimental Aircraft

[2] Recent flight experience requirements generally may be accomplished by a pilot without having on board an instructor or other person authorized by the Administrator.

[3] Recurrent training and checking requirements generally must be accomplished with an instructor or a person authorized by the Administrator to conduct proficiency checks on board.

[4] 14 CFR 61.56 and 61.57.

[5] 14 CFR 61.55 and 61.58.

[6] 14 CFR 91.1065, 91.1067, 91.1069, 91.1071, 91.1073, 91.1089, 91.1091, 91.1093, 91.1095, 91.1099, 91.1107, 125.285, 125.287, 125.289, 125.291, and 125.293.

[7] 14 CFR 107.65.

[8] 14 CFR 91.1703, 91.1705, and 91.1715.

[9] SFAR No. 73.

[10] 14 CFR 61.39 and 61.43.

[11] The White House & Centers for Disease Control and Prevention, 15 Days to Slow the Spread (Mar. 16, 2020), available at *https://www.whitehouse.gov/articles/15-days-slow-spread/*.

[12] The White House & Centers for Disease Control and Prevention, 30 Days to Slow the Spread (Mar. 31, 2020), available at *https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf*.

[13] These letters are available in the rulemaking docket.

Association (EAA),[14] the associations asked the FAA to provide the maximum amount of flexibility within its authority by granting exemptions or relief from certain regulatory requirements applicable to general aviation pilots.[15]

In another letter,[16] NBAA noted that private and recreational aircraft are used by businesses around the country to provide essential support.[17] NBAA provided examples of critical operations that included medical equipment manufacturers' transportation of equipment, the use small aircraft to observe the condition of power lines and pipelines, and the performance of aerial operations to sustain agriculture during planting season. NBAA cited a February PricewaterhouseCoopers LLP study that concluded general aviation contributes 1.1 million jobs and $247 billion in economic activity to the U.S. economy. NBAA emphasized that it is imperative to ensure continuity of these operations as our Nation recovers from the COVID–19 emergency.[18]

In another letter, several industry associations [19] sought broad relief on behalf of the general aviation industry.[20] The associations recognized the FAA's efforts aimed at air carrier operations, training centers, pilot schools, manufacturers, and maintenance providers to sustain operations through exemptions and deviations from regulations and policies. The associations emphasized, however, that the general aviation industry also needs relief to ensure the continuity of operations and commerce during the COVID–19 public health emergency.[21] The associations noted that, internationally, other civil aviation authorities have already provided exemptions to both commercial and noncommercial operators.[22]

The industry associations also explained how various general aviation operations can be critical to the Nation and can play a crucial role in the U.S. and worldwide economy. For example, they noted that general aviation directly connects more than 5,000 public airports compared to the 500 airports used by scheduled airlines. Additionally, the associations stressed the importance of general aviation operations for lifesaving air medical missions, the movement of essential personnel and medical equipment, aerial applications for crops, forestry treatments, firefighting, and eradication of mosquitoes and other disease-carrying pests. The associations further emphasized the importance of rotorcraft operations due to the vertical lift capability, which expands the range of locations at which operations can take place to support the movement of people, supplies, and critical services. The associations also noted that rotorcraft support operations of a wide range of public safety service providers, including law enforcement, firefighting, and search and rescue.

III. Discussion of Final Rule

Without the relief provided in this SFAR, certain persons are at risk of ceasing operations due to their inability to satisfy training and qualification requirements due to disruptions caused by the COVID–19 outbreak. Airmen have experienced difficulty complying with certain training, recency, checking, testing, duration, and renewal requirements as a result of stay-at-home advisories and social distancing implemented to slow the spread of the virus. To comply with many of these requirements, an airman would have been required to be in close proximity to another individual, often in a small, confined space such as the flight deck of an aircraft or inside a simulator. As such, the airman would have had to increase the risk of transmission of the virus.

Even as routine activity begins to resume, the disruption caused by such public health measures has impeded and will continue to impede training and qualification activities in the near-term, resulting in airmen qualifications lapsing either because persons cannot access training facilities or FAA inspectors are unavailable to conduct required tests, checks, or observations. Furthermore, classroom-training environments, such as those provided by part 141 pilot schools, may continue to introduce personnel to unnecessary risks of exposure. To enable the continuity of aviation operations that are critical to the Nation, the FAA finds it necessary to provide short-term relief from certain training, qualification, duration, and renewal requirements. Because this SFAR addresses multiple regulations from several parts of the Federal Aviation Regulations, the FAA has provided the necessary background information in the relevant sections of the Discussion of the Final Rule. The FAA emphasizes that, apart from the limited relief granted in this SFAR, individuals must continue to comply with all applicable FAA regulations.[23]

Each of the following sections explains the relief being granted, the airmen or air agencies eligible for the relief, and the mitigations the FAA finds necessary to ensure aviation safety is maintained.[24] The temporary relief provided here reflects and is limited to the extraordinary circumstances of the COVID–19 outbreak.

A. Relief From Certain Training, Recency, Testing and Checking Requirements

As noted in the letters from industry, general aviation operators and crewmembers can be a key part of the U.S. infrastructure. The support that

[14] Letter from AOPA, NBAA, GAMA and EAA, to Honorable Steve Dickson, Administrator, FAA (March 20, 2020) (available in the rulemaking docket).

[15] For a complete list of the relief requested, please see the associations' letter, which is posted in the rulemaking docket.

[16] Letter from Brian Koester, Director of Flight Operations and Regulations, NBAA, to Mr. Bruce DeCleene, Flight Standards Service, FAA (March 31, 2020) (available in the rulemaking docket).

[17] *https://www.cisa.gov/transportation-systems-sector.*

[18] NBAA expressly sought relief for part 91 (including part 91, subpart K) and part 125 operators who are unable to comply with the PIC proficiency check requirements of § 61.58 during the public health emergency.

[19] This letter was signed by the Aircraft Owners and Pilots Association, Air Medical Operators Association, Experimental Aircraft Association, General Aviation Manufacturers Association, Helicopter Association International, National Agricultural Aviation Association, National Air Transportation Association, and National Business Aviation Association.

[20] Joint industry letter to Mr. Ali Bahrami, Associate Administrator for Aviation Safety, FAA (April 1, 2020) (available in the rulemaking docket).

[21] The associations sought extensions from the timelines set forth in several regulations including, but not limited to, part 61 currency requirements, flight instructor renewal requirements, expiration of knowledge tests, and duration requirements for completing practical tests.

[22] The letter cited to relief provided by civil aviation authorities of Brazil, the European Union, Italy, and the United Kingdom. The letter as posted in the rulemaking docket contains links to access the documents issued by these foreign civil aviation authorities.

[23] The FAA notes, in particular, that § 61.51(a) requires an individual to log training and aeronautical experience used to meet the requirements for a certificate, rating, or flight review and aeronautical experience required for meeting the recent flight experience requirements of part 61. Likewise, § 61.51(i) requires a person to present their pilot certificate, medical certificate, logbook, or any other record required by part 61 for inspection upon a reasonable request by (i) the Administrator; (ii) an authorized representative from the National Transportation Safety Board; or (iii) any Federal, State, or local law enforcement officer.

[24] As explained further in Section IV.F of this SFAR (International Compatibility), certain relief provided in this SFAR does not conform with the International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs). Certificate holders or operators may dispatch or release flights and pilots and crewmembers may operate outside of the United States under this SFAR, unless otherwise prohibited by a foreign country. For international operations where pilots and crewmembers will exercise the relief identified here, anyone exercising this relief must have access to the SFAR when outside the United States and present a copy of this SFAR for inspection upon request by a foreign civil aviation authority.

general aviation provides is particularly critical at this time given the unprecedented disruption caused by the public health emergency. Because public health measures requiring or recommending people to stay at home resulted in the inability of airmen to complete certain regulatory requirements and such disruptions are likely to continue in the short-term as routine activities begin to resume, the FAA finds temporary relief from some requirements is warranted to maintain critical operations and reduce burdens on airmen.

Relief granted in this section to certain eligible pilots and crewmembers applies only to persons conducting specific operations for which the FAA has determined relief is appropriate.

The relief applies to any operation that requires the pilot to hold at least a commercial pilot certificate. This provision will support the continuity of essential commercial operations, which include aerial observation of critical infrastructure, aerial applications (*e.g.,* crops), and private carriage of medical supplies and equipment, which are conducted under part 91, subpart K, and parts 125, 133, and 137.[25]

Additionally, this relief applies to some operations conducted by pilots exercising private pilot privileges, provided the pilot has at least 500 hours of total time as a pilot of which 400 hours is as PIC and 50 of the PIC hours were accrued in the last 12 calendar months. The kinds of operations permitted are those that are:

- Incidental to business or employment,
- in support of family medical needs or to transport essential goods for personal use,
- necessary to fly an aircraft to a location in order to meet a requirement of this chapter, or
- a flight to transport essential goods and/or medical supplies to support public health needs.

This SFAR also extends to pilots conducting charitable medical flights for a volunteer pilot organization pursuant to an exemption issued under part 11, provided the pilots continue to comply with the conditions and limitations of the exemption. For flights conducted by private pilots under this relief, no one may be carried on the aircraft unless that person is essential to the purpose of the flight, such as when transporting doctors for the purpose of providing medical care. This relief does not permit private pilots to conduct these operations for compensation or hire unless permitted under the exception in § 61.113(b), (d), (e), or (h), or by exemption.[26]

This relief also extends to flight attendant crewmembers, check pilots, and flight instructors under part 91, subpart K, and part 125. Finally, this relief applies to operations conducted under part 107 of this chapter by a person who holds a remote pilot certificate issued under part 107. Pilots exercising commercial pilot privileges have at least 190 hours of flight time as a pilot and have been tested to a higher standard than private pilots. The eligibility requirements for private pilots are consistent with conditions and limitations imposed on private pilots conducting charitable flights under a part 11 exemption.

This SFAR addresses crewmember qualifications that have already lapsed as well as those that may lapse in the next few months, provided the crewmember is eligible for the relief and satisfies the safety mitigations before exercising their privileges. The eligibility requirements and mitigations are discussed more fully in each subsection.

1. Part 61

Part 61 prescribes the requirements for pilot, flight instructor, and ground instructor certification, which include training, recency, testing, and checking requirements. The FAA is providing relief for second-in-command (SIC) qualifications, pilot flight reviews, specific recency of experience requirements, and the PIC proficiency check for pilots that operate aircraft that require more than one pilot flight crewmember or are turbojet-powered. The specific relief is described in paragraphs A.1.a. through A.1.d.

a. Second-in-Command Qualifications (§ 61.55)

Section 61.55(b) states that no person may serve as SIC of an aircraft certificated for more than one required pilot flight crewmember or in operations requiring a SIC unless that person has, within the previous 12 calendar months, become familiar with certain information specific to the type of aircraft and performed and logged pilot time in the type of aircraft or in a flight simulator that represents the type of aircraft.[27] Although paragraph (c) provides SICs a grace month [28] for accomplishing this recency requirement, the public health emergency is creating challenges for accomplishing this requirement even within that additional timeframe.

As a result, the FAA finds, under the extraordinary circumstances of the COVID–19 outbreak, that allowing eligible SICs two additional grace months for completing the requirements of § 61.55(b) would not present additional risk to aviation safety that cannot be mitigated, as explained in the next paragraph. The additional grace months are available to pilots whose base month falls in March, April, May, or June 2020. The ''base month'' is the month in which training is due. The ''grace months'' are the months after the month in which training is due, during which the pilot is still eligible to maintain recency. Under this SFAR, pilots will have a total of three grace months after the base month to accomplish the requirements of § 61.55(b).[29] If these requirements are completed during the grace period, they will be considered to have been completed during the base month.

To attain the two additional grace months, eligible pilots must complete the following requirements prior to serving as an SIC: (1) Review the information for the specific type of aircraft for which they are seeking SIC privileges as prescribed in § 61.55(b)(1)(i)–(v); and (2) have logged at least three takeoffs and landings to a full stop as the sole manipulator of the flight controls of the aircraft they will serve as an SIC in within the 180 days prior to serving as an SIC in that aircraft.

b. Flight Review (§ 61.56)

Section 61.56(c) states that no person may act as PIC of an aircraft, unless since the beginning of the 24th calendar

[25] In accordance with § 137.19, a private operator pilot that holds a private pilot certificate is also eligible for relief.

[26] The FAA has consistently construed compensation under § 61.113(a) broadly. Compensation does not require a profit, profit motive, or the actual payment of funds. Rather, compensation is the receipt of anything of value, including the reimbursement of expenses. For additional discussion, the FAA has issued legal interpretations with respect to what constitutes compensation. Furthermore, nothing in this SFAR relieves a person from the requirement to hold a part 119 certificate if applicable FAA regulations require a part 119 certificate. See generally FAA Advisory Circular 120–12A (Apr. 24, 1986) and FAA Advisory Circular 61–142 (Feb. 25, 2020).

[27] Section 61.55(b)(1)(i) specifies SICs must become familiar with operational procedures applicable to the powerplant, equipment, and systems; performance specifications and limitations; normal, abnormal, and emergency operating procedures; flight manual; and placards and markings. As prescribed in paragraph (b)(2), the SIC must also log pilot time and perform at least three takeoffs and three landings to a full stop as the sole manipulator of the flight controls; engine-out procedures and maneuvering with an engine out while executing the duties of pilot in command; and receive crew resource management training.

[28] The ''grace month'' is the month after the month in which training is due.

[29] The three grace months consist of the grace month provided in § 61.55(c) and the two additional grace months provided by this SFAR.

month before the month in which that person acts as PIC, that person has accomplished a flight review in an aircraft for which that person is rated and the person's logbook has been endorsed for that review by an authorized instructor certifying the review was satisfactorily completed.[30]

The FAA finds, under the extraordinary circumstances of the COVID–19 outbreak, that extending the 24 calendar month requirement of § 61.56(c) by up to three calendar months will not adversely affect safety, provided the extension applies to active pilots and certain risk mitigations are met. The three calendar month extension applies to pilots who were current to act as PIC of an aircraft in March 2020 and whose flight review was due in March 2020 through June 2020. To mitigate any safety risk, the pilot must have logged at least 10 hours of PIC time within the twelve calendar months preceding the month the flight review was due. This flight time must be obtained in an aircraft for which that pilot is rated.[31] In addition, eligible pilots will need to complete FAA Safety Team online courses totaling at least three WINGS credits.[32] The courses must have been completed in January 2020 or later to meet this requirement. Completion of the safety courses demonstrates continued learning and pilot professional development.

c. Recent Flight Experience: Pilot in Command (§ 61.57)

Section 61.57 contains the recent flight experience requirements to serve as a PIC in an aircraft under various conditions. These conditions include the recency requirements for carrying passengers during day and night operations and operations under instrument flight rules (IFR). After reviewing the recent flight experience requirements of this section, the FAA has determined that only relief for instrument recency is warranted.

Section 61.57(c) specifies the requirements to serve as a PIC under IFR or weather conditions less than the minimums prescribed for visual flight rules (VFR). To be current under § 61.57(c),[33] a pilot must have performed and logged, within the six calendar months preceding the month of the flight, six instrument approaches, holding procedures and tasks, and intercepting and tracking courses through the use of navigational electronic systems. This experience can be performed in actual weather conditions or under simulated conditions using a view-limiting device in an airplane, powered-lift, helicopter, or airship, as appropriate, or in a full flight simulator (FFS), flight training device (FTD), or aviation training device (ATD) if the device represents the category of aircraft for the instrument rating privileges to be maintained.[34]

If a pilot is unable to establish instrument recency in accordance with § 61.57(c), paragraph (d) prescribes how a pilot may reestablish instrument recency. If a pilot does not have the required approaches, holding, and intercepting and tracking courses in the preceding six calendar months, the pilot has an additional six calendar months to obtain the required experience by flying with a view-limiting device and a safety pilot[35] or using a training device. During this period, the pilot may not serve as the PIC under IFR or weather conditions less than the minimums prescribed for VFR. If the pilot fails to meet the instrument experience requirements for more than six calendar months, the pilot must complete an instrument proficiency check administered by an authorized instructor, company check pilot, designated pilot examiner, or person approved by the Administrator.[36]

The FAA finds, under the extraordinary circumstances of the COVID–19 outbreak, that relief for instrument recency is appropriate under certain conditions. The FAA is extending the six calendar month requirement of § 61.57(c)(1) by an additional three calendar months. This will enable a pilot to continue exercising instrument privileges, provided the pilot has performed the required tasks within the nine calendar months preceding the month of the flight, instead of the preceding six calendar months.

To be eligible for the relief, a pilot will need to have some recent experience in instrument flight. More specifically, the FAA is requiring that the pilot have logged, in the preceding six calendar months, three instrument approaches in actual weather conditions, or under simulated conditions using a view-limiting device. Eligible pilots may exercise the relief in this SFAR through June 30, 2020. After that date, a pilot must be current in accordance with § 61.57(c). If the pilot does not meet the instrument experience requirements before June 30, 2020, the pilot retains the ability to reestablish recency in accordance with § 61.57(d). However, the pilot will no longer have six months to reestablish instrument recency. Instead, the number of months available for a pilot to attain the instrument experience prior to requiring completion of the instrument proficiency check will depend on when the person last established instrument recency in accordance with § 61.57(c).[37]

d. Pilot-in-Command Proficiency Check: Operation of an Aircraft That Requires More Than One Pilot Flight Crewmember or Is Turbojet-Powered (§ 61.58)

Section 61.58 requires a PIC proficiency check for those pilots that fly an aircraft that requires more than one pilot flight crewmember or is turbojet-powered. Paragraph (a)(1) requires a pilot to complete a PIC proficiency check within the preceding

[30] Section 61.56(a) requires the flight review to consist of a minimum of 1 hour of flight training and 1 hour of ground training.

[31] The FAA notes that requiring the flight time to be completed in an aircraft for which the pilot is rated is consistent with the requirement in § 61.56 for the flight review to be accomplished in an aircraft for which the pilot is rated.

[32] The WINGS—Pilot Proficiency Program was developed to address accident causal factors in general aviation by promoting continuous learning and training through online courses, seminars, and other events along with opportunities to fly with an instructor. The FAA and third-party vendors offer courses, many of which are free, for credit. Eligible WINGS courses for pilots can be found on the FAA Safety Team website at *www.faasafety.gov*. The credit assigned to each course is listed in the catalog of available courses.

[33] Section 61.57(c)(1) contains the requirements for maintaining instrument experience in an airplane, powered-lift, helicopter, or airship. Section 61.57(c)(3) contains the requirements for maintaining instrument experience in a glider.

[34] Section 61.57(c)(2) further allows the person to complete the instrument experience required by paragraph (c)(1) in any combination of aircraft, FFS, FTD, or ATD.

[35] A safety pilot is a person who occupies a control seat in an aircraft and maintains a visual watch when the pilot manipulating the flight controls of the aircraft is using a view-limiting device to simulate flight by reference to instruments. 14 CFR 91.109(c).

[36] Section 61.57(d)(3) contains the list of persons who may administer an instrument proficiency check.

[37] For example, if the pilot performed and logged the tasks required by § 61.57(c)(1) in October 2019, that pilot may continue exercising instrument privileges under this SFAR after April 2020, provided the pilot meets the qualification requirements. This SFAR would allow that pilot to continue acting as PIC under IFR or in weather conditions less than the minimums prescribed for VFR until June 30, 2020. After June 30, 2020, that pilot would be required to comply with § 61.57(c). As previously mentioned, § 61.57(d) gives a pilot who has failed to meet the instrument experience requirements of paragraph (c) a grace period of six calendar months to reestablish instrument recency. A pilot who does not reestablish instrument recency during those additional six calendar months may reestablish instrument recency only by completing an instrument proficiency check. Therefore, if the pilot in this hypothetical fails to complete the tasks required by § 61.57(c)(1) by June 30, 2020, that pilot would have four calendar months (until October 31, 2020) available to attain the instrument experience prior to requiring completion of an instrument proficiency check.

twelve calendar months in an aircraft that is type certificated for more than one required pilot flight crewmember or is turbojet-powered. In addition, paragraph (a)(2) requires a pilot to accomplish, within the preceding 24 calendar months, a PIC proficiency check in the particular type of aircraft in which that person will serve as PIC that is type-certificated for more than one required pilot flight crewmember or is turbojet-powered.[38] Paragraph (i) establishes a grace month for completing the PIC proficiency check. Specifically, it allows the check to be completed in the month prior to or the month after the month in which the check is due.

The FAA finds, under the extraordinary circumstances of the COVID–19 outbreak, that allowing two additional grace months for completing the PIC proficiency checks required by § 61.58(a)(1) and (2) does not present a risk to aviation safety that cannot be mitigated, as explained in the next paragraph. Eligible pilots are those pilots who are required to complete a proficiency check in accordance with § 61.58(a)(1) and whose base month falls within the time period of March 2020 through June 2020. In accordance with § 61.58(a)(2), pilots who have not completed a proficiency check in the aircraft they intend to fly within the preceding 24 calendar months and whose base month falls between March 2020 and June 2020, are also eligible for the relief in this SFAR.[39] Pilots will have a total of three grace months after the base month to accomplish the PIC proficiency check required by § 61.58(a)(1) and (2).[40] A PIC proficiency check completed during the grace period will be considered to have been completed in the base month.

To obtain the two additional grace months provided by this SFAR, a pilot must meet certain qualification requirements to ensure the pilot has recent flight experience and is knowledgeable on the procedures and performance limitations for the specific type of aircraft the PIC will operate. First, an eligible pilot must meet the recent flight experience required by § 61.57 as applicable to the flight being conducted.[41] Additionally, an eligible pilot must have reviewed, within the previous three calendar months preceding the month of the flight, the following for each specific aircraft type for which PIC privileges are desired:

a. Operational procedures applicable to the powerplant, equipment, and systems.

b. Performance specifications and limitations.

c. Normal, abnormal, and emergency operating procedures.

d. Flight manual.

e. Placards and markings.

2. Part 91, Subpart K Flight Crewmember Requirements (§§ 91.1065, 91.1067, 91.1069, 91.1071, 91.1073, 91.1089, 91.1091, 91.1093, 91.1095, 91.1099, 91.1107)

Part 91, subpart K, prescribes the additional rules that apply to private, general aviation fractional ownership programs. The subpart provides the regulatory definitions and safety standards for fractional ownership programs; defines the program and program elements; allocates operational control responsibilities and authority to the owners and program manager; and provides increased operational and maintenance safety requirements for fractional ownership programs. There are currently nine fractional ownership programs operating under part 91, subpart K. They range in size from managers with two aircraft to managers with over 500 airplanes and helicopters.

The crewmember testing and checking requirements are established in §§ 91.1065, 91.1067, 91.1069, and 91.1071. Recurrent training requirements for crewmembers are specified in §§ 91.1073, 91.1099, and 91.1107. These requirements cover the following activities and timelines for completion:

- Section 91.1065—pilot knowledge testing and competency checking requirements (completed within the previous twelve months before the pilot serves as a required crewmember);
- Section 91.1067—flight attendant crewmember testing requirements (completed within the previous twelve months before serving as a flight attendant crewmember);
- Section 91.1069(a) and (b)—instrument proficiency checking requirements for PICs (completed within the previous six months) and SICs (completed in previous twelve months);
- Section 91.1099—initial or recurrent training (completed within the previous twelve months before serving as a crewmember);
- Section 91.1107—crewmember recurrent training (completed within the previous twelve months before serving as a crewmember);
- Section 91.1069(c)—instrument approach procedure recency (demonstrated that type of approach within previous six months);
- Section 91.1071(a)—creates a grace month that allows a crewmember test or flight check required by subpart K to be completed in the month before or after the month it is required; and
- Section 91.1073(b)—creates a grace month that allows crewmember recurrent training required by subpart K to be completed in the month before or after the month it is required.

Subpart K of part 91 also contains instructor and check pilot qualifications in §§ 91.1089 through 91.1095. Sections 91.1089 and 91.1091 require check pilots and flight instructors qualified in simulators to fly at least two flight segments as a required crewmember for the type, class, or category of aircraft involved within the previous twelve-month period or complete an approved line-observation program within the period prescribed by that program. Paragraph (g) in both sections provides a grace month stating that the flight segments or line observations are considered complete if completed in the month before or the month after in which they are due. Sections 91.1093 and 91.1095 require that a person who conducts checking or instruction have satisfactorily completed an observation check within the preceding 24 months. Paragraph (b) in both sections also provides a grace month for the checks to be completed.

The FAA finds, under the extraordinary circumstances of the COVID–19 outbreak, that allowing a total of three grace months after the base month for completing the covered training, testing, and checking requirements for crewmembers, check pilots, and flight instructors whose base month is in March, April, May, or June 2020—many of which already permit one grace month—does not present a risk to aviation safety that cannot be mitigated under the conditions of this SFAR. Management specifications holders must conduct a safety analysis and provide appropriate mitigations in an acceptable plan to their FAA principal inspector. This plan would address any potential risk introduced by extending crewmember, check pilot, and flight instructor qualifications, training, and checking. The plan must ensure crewmembers remain adequately trained and currently proficient for each

[38] In accordance with § 61.58(b), this section does not apply to persons conducting operations under subpart K of part 91, or part 121, 125, 133, 135, or 137. In accordance with § 61.57(c), the PIC proficiency check given in accordance with subpart K of part 91, parts 121, 125, or 135 may be used to satisfy the requirements of this section.

[39] If a pilot's base month is June 2020, this SFAR extends the validity through September 30, 2020.

[40] This three-month grace period includes the grace month that is already provided by § 61.58(i) and the two additional grace months provided by this SFAR.

[41] A pilot may use the relief to § 61.57 for instrument recency in conjunction with the relief provided for § 61.58 in this SFAR.

aircraft, crewmember position, and type of operation in which the crewmember serves in accordance with § 91.1081(e). The relief applies to requirements for currently qualified crewmembers, check pilots, and flight instructors only. It does not apply to requirements for the training and qualification of new personnel.

3. Mitsubishi MU–2B Series Special Training, Experience, and Operating Requirements (§§ 91.1703, 91.1705, 91.1715)

Subpart N of part 91 contains training, experience, and operating requirements specific to the Mitsubishi MU–2B series airplane. Except as specified in § 91.1703(b),[42] a person may not manipulate the controls, act as PIC, or act as SIC of a MU–2B series airplane for the purpose of flight unless that person satisfies certain ground and flight training requirements,[43] including recurrent training requirements, in an FAA-approved MU–2B training program that meets the standards of subpart N of part 91. This requirement is contained in § 91.1705(a)(1).[44]

In addition, § 91.1705(b)(1) states that, except as specified in § 91.1703(b), a person may not manipulate the controls, act as PIC, or act as SIC, of a MU–2B series airplane for the purpose of flight unless that person satisfactorily completes, if applicable, recurrent pilot training on the special emphasis items and all items listed in the Training Course Final Phase Check in accordance with an FAA-approved MU–2B training program that meets the standards of subpart N of part 91.[45]

Section 91.1703(e) requires a person to complete recurrent training within the preceding twelve months without the option of a grace month.[46] Under § 91.1705(e), however, a person has one grace month to comply with the training requirements of § 91.1705(a) or (b). Therefore, § 91.1705(e) allows a person to accomplish the recurrent training one month after the month it is due.

Section 91.1715(c) stipulates that completion of a flight review to satisfy the requirements of § 61.56 is valid for operation of a Mitsubishi MU–2B series airplane only if that flight review is conducted in a Mitsubishi MU–2B series airplane, or an MU–2B simulator approved for landings with an approved course conducted under part 142.

Under the extraordinary circumstances of the COVID–19 outbreak, the FAA supports relief for certain experienced pilots flying MU–2B series airplanes. This relief is not applicable to pilots that are required to complete initial/transition or requalification training in an MU–2B series airplane,[47] because these pilots could not meet the qualification requirements.

Under this SFAR, a person may obtain two additional grace months to complete the recurrent training requirements.[48] To be eligible for this relief, pilots must be qualified under part 91, subpart N, and their base month for completing the recurrent training must fall in March, April, May, or June 2020. If a pilot completes the recurrent training requirements within the grace period provided by this SFAR, the requirements will be considered to have been completed in the base month. Additionally, to ensure there is no adverse impact to safety, the FAA has determined it is necessary to impose certain qualification requirements on pilots seeking to exercise this relief. The qualification requirements are intended to serve as risk mitigations to ensure that pilots exercising the temporary relief under this SFAR are active pilots with recent flight experience in the MU–2B. To exercise the relief, a pilot must also have a minimum of 10 hours of flight time in an MU–2B series airplane within the previous twelve calendar months of the base month. Three of those hours must be obtained within three calendar months preceding the base month. In addition, as required by § 91.1715(a), the pilot must have at least three takeoffs and landings to a full stop as sole manipulator of the controls in an MU–2B series airplane within the last ninety days prior to the flight.

Furthermore, prior to manipulating the controls of an MU–2B series airplane in accordance with this SFAR, pilots must complete three hours of self-study since January 1, 2020, and preceding the date of the flight. This self-study must include the ground training required by § 91.1705(h)(1) and the special emphasis items listed in the approved MU–2B training program last completed. In addition, pilots must review the limitations, procedures, aircraft performance, and MU–2B Cockpit Checklist procedures applicable to the flight training curriculum required by § 91.1705(h)(2) for the MU–2B model flown and the current general operating and flight rules of part 91. Consistent with the flight review requirements of this SFAR, MU–2B series pilots must complete online courses for three WINGS credits. These courses must have been completed since January 1, 2020.

4. Aeronautical Knowledge Recency (§ 107.65)

Section 107.65 requires remote pilots certificated under part 107 to establish recency of knowledge every 24 calendar months. To meet the recency of knowledge requirement per § 107.65(a) or (b), remote pilots must pass an FAA knowledge test at a knowledge testing center. The initial and recurrent knowledge tests required by § 107.65(a) or (b) cover the comprehensive list of knowledge areas specified in § 107.73(a) or (b), respectively. Section 107.65(c) allows remote pilots who are also certificated under part 61 and have a current flight review in accordance with § 61.56 to complete online training to meet aeronautical knowledge recency. The initial or recurrent training course covers the condensed list of knowledge areas specified in § 107.74(a) or (b), respectively, because the part 61 pilot who has a current flight review has already demonstrated knowledge of many of the topic areas tested on the UAS knowledge test.[49]

Even if open, some knowledge testing centers may introduce airmen to risks of exposure to COVID–19. The inability of part 107 operators to remain current could have a negative impact on a community's ability to support the safe inspection of infrastructure, including power lines, fire and rescue, flood responses, law enforcement, and overall public safety.

Under the extraordinary circumstances of the COVID–19 outbreak, eligible remote pilots who

[42] Section 91.1703(b) states that a person who does not meet the requirements of subpart N of part 91 may manipulate the controls of a Mitsubishi MU–2B series airplane if a PIC who meets the requirements of subpart N of part 91 is occupying a pilot station, no passengers or cargo are carried on board the airplane, and the flight is being conducted for one of the reasons specified in § 91.1703(b)(1) through (3).

[43] The requirements for ground and flight training are on initial/transition, requalification, recurrent, and differences training. 14 CFR 91.1705(a)(1).

[44] Section 91.1705(a)(2) requires the person's logbook to have been endorsed in accordance with § 91.1705(f).

[45] Section 91.1705(b)(2) also requires the person's logbook to have been endorsed in accordance with § 91.1705(f).

[46] Successful completion of initial/transition training or requalification training within the preceding twelve months satisfies the requirement of recurrent training. A person must successfully complete initial/transition training or requalification training before being eligible to receive recurrent training. 14 CFR 91.1703(e).

[47] See § 91.1703(c) or (d).

[48] This means a person will have a total of three grace months after the due month, because § 91.1705(e) already provides one grace month. The ''grace months'' are months after the month in which training is due, during which the pilot is still eligible to meet the recurrent training requirements.

[49] Final Rule, *Operation and Certification of Small Unmanned Aircraft Systems,* 81 FR 42063, 42164 (Jun. 28 (2016).

would normally establish recency of knowledge in accordance with § 107.65(a) or (b) may complete online training as an alternative if required to establish recency between April 2020 and June 2020. The remote pilot may complete the FAA-developed initial or recurrent online training courses [50] at *www.faasafety.gov* one time to establish knowledge recency for six calendar months.[51] As previously stated, the initial or recurrent online training course covers a condensed list of UAS-specific knowledge areas because it is intended for persons who hold part 61 pilot certificates and satisfy the flight review requirements of § 61.56. The FAA finds that, for a limited duration of time, allowing remote pilots to complete one of these online training courses is an adequate alternative to passing a knowledge test. However, because these courses do not include all of the knowledge areas under § 107.73(a) or (b) that a remote pilot is required to be tested on every 24 calendar months, the remote pilot will need to establish knowledge recency in accordance with § 107.65 at the conclusion of the six calendar months. Remote pilots who qualify to establish recency of aeronautical knowledge per § 107.65(c) are not included in this relief. Pilots who use the relief from § 61.56 in this SFAR may establish recency of aeronautical knowledge per § 107.65(c) and retain remote pilot privileges for 24 calendar months.

5. Part 125 Flight Crewmember Requirements (§§ 125.285, 125.287, 125.289, 125.291, 125.293)

Part 125 certificated operators conduct non-common carriage operations. Part 125 operators are not permitted to hold out to the public either directly or indirectly but can operate incidental to their business and have up to three long-term contracts for commercial operations. These contracts are normally for the carriage of cargo, sports teams, and orchestras. Section 125.3 establishes deviation authority for part 125. This allows operators to deviate from specified sections of part 125, under certain circumstances.[52] The FAA issues a Letter of Deviation Authority (LODA) for various kinds of operations to include airplane ferry, sales demonstrations, or training.[53] These LODA-holders conduct operations under part 91 and may hold an operating certificate and have operations specifications (OpSpecs).[54] The FAA also issues a LODA to an operator that conducts only non-commercial operations (*i.e.,* private use only)—specifically an A125 LODA. Holders of an A125 LODA do not hold an operating certificate or have OpSpecs. Instead, they are issued a letter of authorization (LOA) because the flightcrew members operating under an A125 LODA must comply with the recency, recurrent testing, and proficiency checking requirements of part 125.

Section 125.287 requires a pilot of a part 125 operation to have passed a written or oral test given by the Administrator or a check airman every twelve calendar months and pass a competency check in the type of airplane flown in part 125 operations every twelve calendar months.[55] Section 125.289 requires a flight attendant to complete recurrent testing every twelve calendar months. Section 125.293(a) provides for a grace month for crewmembers to complete testing or checking.[56] Section 125.291(a) requires that since the beginning of the sixth calendar month before service, the PIC of an airplane in a part 125 operation under IFR must have passed an instrument proficiency check and the Administrator or an authorized check airman has so certified in a letter of competency.[57] Finally, § 125.285(a) requires that pilot flight crewmembers complete three takeoffs and landings within the preceding 90 days in the type airplane in which that person is to serve.

Part 125 certificate holders and those that hold an A125 LODA operate airplanes with 20 seats or more, or a payload capacity of 6,000 pounds or more. These large airplanes are typically used to move personnel and materials to where they are needed and are an essential part of the U.S. supply chain. Part 125 certificate holders and A125 LODA holders are part of the U.S. economic infrastructure.

The FAA finds, under the extraordinary circumstances of the COVID–19 outbreak, that allowing two additional grace months for completing the recurrent testing, checking, and training requirements does not present a risk to aviation safety that cannot be mitigated. In addition, the FAA is granting an additional sixty days for completing the three required takeoffs and landings. The requirements of this SFAR ensure that certificate holders and A125 LODA holders demonstrate a plan to mitigate any potential risk introduced by extending flight crewmember qualifications.[58] The relief applies to requirements for currently qualified flight crewmembers only, whose base month is March, April, May, or June 2020. It does not apply to requirements for the training and qualification of new personnel. In order to utilize the relief provided by this SFAR, the certificate holder or A125 LODA holder must provide an acceptable plan to its assigned principal operations inspector for acceptance that contains the following information—

(i) A safety analysis and corresponding risk mitigations to be implemented by the certificate holder or A125 LODA holder; and

(ii) The method the certificate holder or A125 LODA holder will use to ensure that each crewmember remains adequately tested and currently proficient for each aircraft, duty position, and type of operation in which the person serves.

6. Robinson R–22/R–44 Special Training and Experience Requirements (SFAR 73)

SFAR 73 established special training and experience requirements for pilots

[50] ALC–451 (Part 107 Small Unmanned Aircraft Systems (small UAS) Initial); ALC–515 (Part 107 Small Unmanned Aircraft Systems (small UAS) Recurrent).

[51] On February 13, 2019, the FAA published an NPRM that, if adopted, would update the regulations that govern part 107 operations. In the NPRM, the FAA proposed to amend § 107.65(b) to allow a remote pilot to meet the recency requirements by completing recurrent training (rather than a recurrent knowledge test) covering the areas of knowledge specified in § 107.73. The FAA is therefore actively engaged in rulemaking that, if adopted, would provide the option for taking an online recurrent training course in lieu of a UAS knowledge test to all part 107 certificate holders. The proposed recurrent training course would cover the comprehensive list of knowledge areas set forth in § 107.73, rather than the condensed list of knowledge areas in § 107.74, which are intended for part 61 certificate holders who satisfy the flight review requirements specified in § 61.56. NPRM, Operation of Small Unmanned Aircraft Systems Over People, 84 FR 3856 (Feb. 13, 2019).

[52] Advisory Circular 125–1A further describes the applicability of part 125 to certain large airplane operations in other than common carriage and the exceptions to the applicability.

[53] These are A510, A511, or A512 LODA holders, respectively.

[54] Pilots of these LODA-holders comply with the recency, training, and checking requirements of part 61.

[55] This section also requires the certificate holder to use a pilot who has passed the written or oral test and competency check within the preceding 12 calendar months.

[56] If a crewmember who is required to take a test or check under part 125, if he or she completes the test or check in the calendar month before or after the calendar month in which it is required, that crewmember is considered to have completed the test or check in the calendar month in which it is required.

[57] The certificate holder is also required to use a PIC in an airplane of a part 125 IFR operation who has completed the instrument proficiency check within the preceding six calendar months.

[58] Pilots of other LODA-holders would comply with the applicable relief to part 61 training, recency, testing, and checking requirements.

operating the Robinson model R–22 or R–44 helicopters to maintain safe operation of these helicopters. The FAA determined that SFAR 73 was needed to increase awareness of, and training for, potential hazards of particular flight operations in the Robinson helicopters.

To act as PIC of a Robinson R–22 or R–44 helicopter, SFAR 73 requires the person to complete the flight review required under § 61.56 in an R–22 or R–44 helicopter, as appropriate to the PIC privileges sought, if the person has at least 200 flight hours in helicopters of which at least 50 flight hours are in the applicable Robinson model helicopter for which the person has PIC privileges.[59] Otherwise, it requires the person to comply with the endorsement requirements of SFAR 73.[60]

Under the extraordinary circumstances of the COVID–19 outbreak, the FAA has determined that the PIC of an R–22 or R–44 is compliant with SFAR 73 if the person meets the recency requirements of § 61.56 established in this SFAR in an R–22 or R–44, or both, as appropriate. This relief is limited to Robinson pilots that have at least 200 hours in helicopters of which at least 50 hours are in the applicable Robinson model helicopter for which the person has PIC privileges. Low-time Robinson pilots that are required to complete a flight review every twelve calendar months in accordance with SFAR 73 must continue to comply with that SFAR.

For the relief in this SFAR, the flight review must include SFAR 73 awareness training subjects in paragraph 2(a)(3) and the flight training subjects in paragraph 2(b). R–22 or R–44 pilots whose flight review is due in March through June 2020 may extend an additional three calendar months, provided the pilots have at least 10 hours of PIC time in an R–22 or R–44 as applicable, in the preceding twelve calendar months, of which three hours must be in the three calendar months preceding the month in which the flight review is due. R–22 and R–44 pilots must also complete a minimum of three hours of self-study since January 1, 2020 and prior to the flight being conducted on the following subjects—

1. SFAR 73 awareness training in 2(a)(3)(i)–(v);
2. 14 CFR part 91 regulations;
3. Robinson R–22 or R–44 Maneuvers Guide applicable to the model (R–22 or R–44) for which the airman has PIC privileges; or both maneuver guides, if the airman has PIC privileges in both Robinson model helicopters;[61]
4. Complete Course ALC–103: Helicopter Weight and Balance, Performance at *www.faasafety.gov;* and
5. Complete ALC–104: Helicopter—General and Flight Aerodynamics at *www.faasafety.gov.*

The courses identified in 4 and 5 may be used to satisfy the WINGS credit as required by the relief to § 61.56 of this SFAR.[62]

B. Relief From Certain Duration and Renewal Requirements

Maintaining the continuity of operations through the relief in section A of this document is important to ensure the stability of essential functions of the U.S. transportation system. The FAA also finds that it is appropriate to grant relief for certain duration and renewal requirements because the COVID–19 outbreak has made compliance difficult or in some instances impossible. Without this short-term relief, certificate holders will have to choose between attempting to comply with FAA requirements or abiding by public health measures.

The relief discussed more fully in the following sections responds to initial disruptions that have prevented certificate holders from seeking timely renewals of certificates or from completing certain testing activity before expiration dates have passed. Because these disruptions may continue for a brief time as routine activities begin to resume, the FAA is providing relief for periods of time deemed necessary to alleviate the burden. The FAA has determined, under the extraordinary circumstances of the COVID–19 outbreak, that this relief will not adversely affect safety because it is narrowly focused on a small segment of the regulated community, it will be in effect for a short duration, and the regulations will provide safeguards to ensure an appropriate level of safety is maintained.

1. Part 61

The FAA is granting temporary regulatory relief from the validity dates for medical certificates. This relief is further described in B.1.a and B.3.a. The FAA also recognizes that the inability to complete a practical test at this time is outside the applicant's control due to the cessation of practical tests. As a result, the FAA is providing relief to extend the knowledge test validity period as described in B.1.b. Finally, because reduced staffing at FAA Flight Standards offices, as well as stay-at-home advisories, prevented some flight instructors from renewing their certificate based on activity, FAA is providing relief to instructors whose certificate expired as described in B.1.c.

a. Medical Certificates: Requirement and Duration (§§ 61.2, 61.23)

Section 61.2(a)(5) states that no person may exercise privileges of a medical certificate issued under 14 CFR part 67 if the medical certificate is expired according to the duration standards set forth in § 61.23(d). Section 61.23(d) states that the duration of a medical certificate depends on the age of the person on the date of the medical examination, the duty position in which the person is serving, the type of operation the person is conducting, and the class of certificate.

On April 1, 2020, the FAA published an Enforcement Policy for Expired Airman Medical Certificates in the **Federal Register** (85 FR 18110) notifying the public that the Agency would not take legal enforcement action against any person serving as a required pilot flight crewmember or flight engineer based on noncompliance with medical certificate duration standards. The policy is limited to specified certificate expiration dates and to operations within U.S. airspace. The FAA also granted two exemptions relating to the duration of medical certificates, No. 18516 (Regulatory Docket No. FAA–2020–0318) and No. 18515 (Regulatory Docket No. FAA–2020–0317) limited to operations outside U.S. airspace conducted by certain 14 CFR part 119 certificate holders. The FAA is incorporating the relief granted in those exemptions into this SFAR and expanding it to all pilots to encompass all operations subject to §§ 61.2, 61.23, and 63.3.[63]

Under the extraordinary circumstances of the COVID–19 outbreak, the FAA has determined that it is not appropriate at this time to maintain the requirement of an FAA medical examination, which is a nonemergency medical service, in order for pilots with expiring medical certificates to obtain new medical certificates. Aviation medical examinations increase the risk of

[59] An R–44 PIC may credit up to 25 hours of R–22 PIC time towards the 50 hours of PIC time required in the R–44.

[60] *See* 14 CFR part 61, SFAR 73, section 2, paragraph (b)(1) or (2) Aeronautical Experience.

[61] The Robinson Maneuver Guides contain the flight training subjects identified in SFAR 73 paragraph 2(b).

[62] Each course is worth 0.5 credits. R–22 and R–44 pilots will need to select additional courses for WINGS credit to fully meet the requirements of § 61.56 in this SFAR.

[63] Because the medical certification requirement for flight engineers falls under part 63, rather than part 61, the SFAR relief pertaining to § 63.3 is addressed in Section B.3 of this preamble.

transmission of the virus through personal contact between the physician and the applicant for a medical certificate. Even as routine activity begins to resume, the disruption to medical examinations may continue.

The FAA notes that the provisions of this SFAR do not extend to the requirements of § 61.53 regarding prohibition on operations during medical deficiency. These prohibitions remain critical for all pilots to observe, especially given the policy of emergency accommodation announced here and the health threat of COVID–19. Accordingly, the FAA emphasizes that under § 61.53, no person who holds a medical certificate issued under 14 CFR part 67 may act as a required pilot flight crewmember while that person:

(1) Knows or has reason to know of any medical condition that would make the person unable to meet the requirements for the medical certificate necessary for the pilot operation; or

(2) is taking medication or receiving other treatment for a medical condition that results in the person being unable to meet the requirements for the medical certificate necessary for the pilot operation.

The FAA has determined that pilots may operate beyond the validity period of their medical certificate for a limited time without creating a risk to aviation safety that is unacceptable under the extraordinary circumstances surrounding the COVID–19 outbreak. For the reasons cited, for medical certificates that expire from March 31, 2020 through May 31, 2020, the FAA is extending the validity period of these medical certificates to June 30, 2020.

b. Prerequisites for Practical Tests (§ 61.39)

Section 61.39 establishes the eligibility requirements for an applicant seeking to take a practical test for a certificate or rating issued under part 61. Among these requirements, an applicant must have passed the required FAA knowledge test within a specified period of time. With the exception of the multiengine airplane airline transport pilot (ATP) certificate, FAA knowledge tests are valid for 24 calendar months.[64] The multiengine airplane ATP knowledge test is valid for sixty calendar months.[65]

As a result of the COVID–19 outbreak, an applicant may not have been able to complete a practical test, as planned, prior to the expiration of his or her knowledge test. The majority of practical tests, if not all, have been temporarily suspended or cancelled. Most examiners are unwilling to provide testing until State and Federal public health measures have been lifted. Knowledge testing centers delivered more than 60,000 knowledge tests between March and June 2018.[66] Although the FAA does not know the number of applicants who have subsequently completed the practical test, the number of test results set to expire during this time period could be significant.

If an applicant's knowledge test expires before he or she can complete the practical test, that applicant is required to pass another knowledge test prior to completing the practical test. It costs a person $96–160 per test,[67] depending upon the testing location, to take an FAA knowledge test. Therefore, requiring a person whose knowledge test result expired during the COVID–19 outbreak to take another knowledge test would result in an additional economic burden on the applicant.

Where avoidable, it is not in the public interest to induce persons to attempt to complete a practical test, contrary to social distancing guidelines, solely to avoid an economic burden resulting from expiration of their knowledge test.

The FAA has determined, under the extraordinary circumstances of the COVID–19 outbreak, that it is necessary to provide reasonable regulatory relief to the specific class of individuals who have knowledge tests expiring between March 2020 and June 2020. To ensure these individuals are not penalized by having to take another knowledge test, the FAA is extending the validity of knowledge tests by a duration of three calendar months. Therefore, this SFAR will allow an individual who has a knowledge test expiring between March 2020 and June 2020 to present the expired knowledge test to show eligibility under § 61.39(a)(1) to take a practical test for a certificate or rating issued under part 61 for an additional three calendar months.[68]

In addition to passing a knowledge test, the eligibility requirements for taking a practical test require an applicant to satisfactorily accomplish the required training and obtain the aeronautical experience required for the certificate or rating sought.[69] The regulations also require the applicant to have received flight training from an authorized instructor in preparation for the practical test within the two months preceding the month of the test.[70] The authorized instructor must endorse the applicant's logbook or training record certifying that the applicant has received and logged this training and is prepared for the required practical test.[71] While this SFAR will allow certain individuals to use an expired knowledge test, the other requirements in part 61 will ensure the individual is prepared for the practical test, and the evaluator administering the practical test will have the opportunity to determine whether the person is qualified to hold the certificate.[72] Under the extraordinary circumstances of the COVID–19 outbreak, and because the relief applies to a specific group of individuals and is limited in duration, the FAA has determined that these regulatory requirements will provide sufficient assurance that there will be no adverse impact to safety.

c. Renewal Requirements for Flight Instructor Certification (§ 61.197)

Unlike other airman certificates, flight instructor certificates have expiration dates. Section 61.197 establishes renewal requirements for flight instructor certificates. In accordance with paragraph (a), a person who holds a flight instructor certificate that has not expired may renew that flight instructor certificate through various methods. Generally, a flight instructor must renew his or her certificate every 24 calendar months.[73]

Section 61.197(a)(2) offers four methods for renewal that require submitting a completed and signed application with the FAA. The application can be submitted in the

[64] Section 61.39(a)(1)(i) requires the applicant to have passed the required knowledge test within the 24-calendar month period preceding the month the applicant completes the practical test, if a knowledge test is required.

[65] Section 61.39(a)(1)(ii) requires the applicant to pass the required knowledge test within the sixty-calendar month period preceding the month the applicant completes the practical test for those applicants who complete the ATP certification training program in § 61.156 and pass the knowledge test for an ATP certificate with a multiengine class rating after July 31, 2014.

[66] FAA Regulatory Support Division provided knowledge test data from their Airman Testing Standards database.

[67] FAA Regulatory Support Division provided knowledge test cost information on April 14, 2020.

[68] Except for a multiengine ATP knowledge test, a knowledge test taken for a pilot certificate or rating in May 2018 would expire in May 2020. With the relief in this SFAR, the passing knowledge test results are valid until August 2020.

[69] 14 CFR 61.39(a)(3).

[70] 14 CFR 61.39(a)(6)(i), 61.99, 61.109, 61.129, 61.313.

[71] 14 CFR 61.39(a)(6).

[72] The regulations require the applicant to pass the practical test on the areas of operation required for the certificate or rating sought. 14 CFR 61.96(b)(7), 61.103(h), 61.123(g), 61.153(h), 61.165(e)(4) and (f)(5), 61.183(h), 61.307(b), 61.405(b)(2).

[73] Section 61.197(a)(1) permits a flight instructor to renew automatically by passing a practical test for a current instructor rating or an added instructor rating.

renewal month or up to three calendar months preceding the renewal month. Section 61.197(a)(2) requires the flight instructor to satisfactorily complete one of the following renewal requirements:

- Train and endorse at least five students for a practical test for a certificate or rating during the preceding 24 calendar months with at least 80 percent of those students passing on the first attempt;
- serve, within the preceding 24 calendar months, as a company check pilot, chief flight instructor, company check airman, or flight instructor in a part 121 or 135 operation, or in a position involving the regular evaluation of pilots;
- successfully complete an approved flight instructor refresher course (FIRC), either in-person or online, within the preceding three calendar months preceding the expiration date of the certificate; or
- pass, within the preceding 24 calendar months, an official U.S. Armed Forces military instructor pilot or pilot examiner proficiency check in an aircraft for which the military instructor already holds a rating or in an aircraft for an additional rating.

A flight instructor certificate will expire if the flight instructor fails to comply with the renewal requirements set forth in § 61.197. The holder of an expired flight instructor certificate who has not complied with the renewal requirements may reinstate that flight instructor certificate and ratings only by passing a practical test for one of the ratings held on the flight instructor certificate or for an additional rating.[74]

The COVID–19 outbreak has disrupted certificated flight instructors' plans for renewing their certificates using the methods prescribed in § 61.197(a)(2). For example, a flight instructor may have enrolled in an in-person FIRC that was subsequently cancelled due to stay-at-home advisories. Additionally, flight instructors who have satisfactorily completed one of the renewal requirements in § 61.197(a)(2)(i), (ii), or (iv) may be unable to travel to an FAA Flight Standards office to present records demonstrating eligibility for renewal.

During the COVID–19 outbreak, the FAA recommends that flight instructors take advantage of the option to renew their flight instructor certificates by satisfactorily completing an online FIRC in accordance with § 61.197(a)(2)(iii).[75] The FAA recognizes, however, that this is not an equitable option for all flight instructors as certain flight instructors may have already satisfied a renewal requirement other than a FIRC. For example, a flight instructor may have already trained and endorsed at least five students in the preceding 24 calendar months with an 80 percent pass rate.

The FAA has therefore determined, under the extraordinary circumstances of the COVID–19 outbreak, that flight instructors who satisfy a renewal requirement listed in § 61.197(a)(2)(i), (ii), or (iv) should not be required to also complete an online FIRC, which is an additional economic burden, simply because the flight instructor is unable to process his or her renewal at an FAA Flight Standards office. Accordingly, to accommodate flight instructors who have flight instructor certificates expiring between March 31, 2020 and May 31, 2020, the FAA is extending the validity of these flight instructor certificates until June 30, 2020. Therefore, under this SFAR, a flight instructor who has a certificate expiring in March, April, May, or June 2020 may submit a completed and signed application with the FAA and show satisfactory completion of the one of the renewal requirements listed in § 61.197(a)(2)(i) through (iv) until June 30, 2020. A person who renews his or her flight instructor certificate during this grace period will retain the original expiration month on the flight instructor certificate. For example, if a person's flight instructor certificate expires in March 31, 2020, and that person renews his or her flight instructor certificate in accordance with this SFAR in June 2020, that person's renewed flight instructor certificate will still expire on March 31, 2022.

After June 30, 2020, a flight instructor who holds an expired flight instructor certificate must reinstate that certificate in accordance with § 61.199.

2. Relief for U.S. Military and Civilian Personnel Who Are Assigned Outside the United States in Support of U.S. Armed Forces Operations (SFAR 100–2)

SFAR 100–2 allows the FAA Flight Standards offices to accept expired flight instructor certificates and inspection authorizations for renewals and expired airman written test reports for certain practical tests from U.S. military and civilian personnel (U.S. personnel) who are assigned outside the United States in support of U.S. Armed Forces operations. SFAR 100–2 is necessary to avoid penalizing U.S. personnel who are unable to meet the regulatory time limits of their flight instructor certificate, inspection authorization, or airman written test report because they are serving outside the United States in support of U.S. Armed Forces operations when they expire. The effect of SFAR 100–2 is to give U.S. personnel who are assigned outside the United States in support of U.S. Armed Forces operations extra time to meet certain eligibility requirements in the current rules.

Due to social distancing guidelines and stay-at-home advisories, persons affected by this SFAR may not be able to comply with paragraph 2.(c) of SFAR 100–2, which states the person must comply with § 61.197 or § 65.93, as appropriate, or complete the appropriate practical test within six calendar months after returning to the United States. Therefore, under the extraordinary circumstances of the COVID–19 outbreak, the FAA is extending the relief granted by SFAR 100–2 by an additional three calendar months for eligible persons who returned to the U.S. from deployment in October 2019 through March 2020. This relief will enable those persons to complete the requirements of paragraph 2.(c) within nine calendar months after returning to the United States.[76] If a person returns from deployment after March 2020, that person must comply with SFAR–100–2.

3. Part 63

As previously described, the FAA has determined to grant temporary relief from the expiration of medical certificates to provide additional time for airmen to accomplish medical examinations and obtain new medical certificates. Similarly, medical relief for flight engineers is necessary as described in B.3.a. Extending knowledge test passing results for flight engineers is also necessary and explained in B.3.b.

a. Certificates and Ratings Required (§ 63.3)

Section 63.3(b) states that a person may act as a flight engineer of an aircraft only if that person holds a current second-class medical certificate issued to that person under 14 CFR part 67. For the reason previously stated in section

[74] 14 CFR 61.199.

[75] There are seven existing FIRCs that are taught using an online platform that require no face-to-face contact. Those online FIRC providers also offer Airman Certification Representative (ACR) services. These ACRs are authorized to renew a flight instructor certificate after successful completion of their FIRC.

[76] A person who otherwise meets the eligibility requirements in SFAR 100–2 who returned from deployment in November 2019 will now have until August 2020 to complete the desired certificate requirements instead of completing them in May 2020.

B.1.a and subject to the same conditions and limitations, the FAA has determined that flight engineers may operate beyond the validity period of their medical certificate for a limited time without creating a risk to aviation safety that is unacceptable under the extraordinary circumstances surrounding the COVID–19 outbreak. Accordingly, for medical certificates that expire from March 31, 2020 through May 31, 2020, the FAA is extending the validity period of these medical certificates to June 30, 2020.

The FAA notes that the provisions of this SFAR do not extend to the requirements of § 63.19 regarding prohibition on operations during physical deficiency. These prohibitions remain critical for all flight engineers to observe, especially given the policy of emergency accommodation announced here and the health threat of COVID–19. Accordingly, the FAA emphasizes that under § 63.19, no person who holds a medical certificate issued under 14 CFR part 67 may serve as a flight engineer during a period of known physical deficiency, or increase in physical deficiency, that would make him or her unable to meet the physical requirements for his or her current medical certificate.

b. Flight Engineer Knowledge Requirements (§ 63.35)

Section 63.35 establishes the knowledge requirements for a person seeking a flight engineer certificate. Paragraph (d) states the applicant for a flight engineer certificate or rating must have passed the written tests required by paragraphs (a) and (b) since the beginning of the 24th calendar month before the month in which the flight is taken.[77]

For the reasons discussed in section B.1.b of this preamble and subject to the same condition and limitations, the FAA is also providing relief to persons seeking a flight engineer certificate under part 63 who have written tests expiring between March 2020 and June 2020. Consistent with the relief provided to pilot applicants under part 61, the FAA is extending the validity of written tests under part 63 for a duration of three calendar months. The FAA finds, under the extraordinary circumstances of the COVID–19 outbreak, that this relief will not adversely affect safety because it is narrowly focused on a small segment of the regulated community, it will be in effect for a short period of time, and the regulations will provide adequate safeguards to ensure an appropriate level of safety is maintained.

4. Part 65

As described for pilots and flight engineers, extending knowledge test and written test results for aircraft dispatchers and mechanics, respectively, is also warranted and further described in B.4.a. and B.4.b. The ability for some mechanics to renew their inspector authorization (IA) has also been made more difficult as a result of the COVID–19 outbreak; therefore, the FAA is extending relief to eligible persons as described in B.4.c. Finally, the ability for former military parachute riggers to apply for a senior parachute rigger certificate is temporarily difficult, resulting in some limited relief as described in B.4.d.

The FAA finds, under the extraordinary circumstances of the COVID–19 outbreak, that the relief provided to part 65 airmen will not adversely affect safety because it is narrowly focused on a small segment of the regulated community, it will be in effect for a short period of time, and the regulations will provide adequate safeguards to ensure an appropriate level of safety is maintained.

a. Dispatcher Knowledge Requirements (§ 65.55)

Section 65.55 establishes the knowledge requirements for a person seeking an aircraft dispatcher certificate. Paragraph (b) requires the applicant for an aircraft dispatcher certificate to present passing knowledge test results within the preceding 24 calendar months.

For the reasons discussed in section B.1.b and subject to the same conditions and limitations, the FAA, under the extraordinary circumstances of the COVID–19 outbreak, is also providing relief to persons seeking an aircraft dispatcher certificate under part 65 who have knowledge tests expiring between March 2020 and June 2020. Therefore, consistent with the relief provided to pilot applicants under part 61 and flight engineer applicants under part 63, the FAA is extending the validity of knowledge tests under § 65.55 for a duration of three calendar months. Accordingly, an individual who has a knowledge test expiring between March 2020 and June 2020 may present the expired knowledge test to show eligibility under § 65.55 to take a practical test for an aircraft dispatcher certificate for a period of three calendar months.

b. Eligibility Requirements: General (§ 65.71)

Section 65.71 establishes the eligibility requirements for a mechanic certificate and associated ratings. Paragraph (a)(3) requires an applicant to have passed all of the prescribed tests within a period of 24 months from the initiation of testing. Testing for a FAA mechanic certificate includes three tests, which are the written, oral, and practical.[78] Section 65.75 establishes the knowledge requirements, including the requirement to pass a written test. Section 65.79 contains the skill requirements, including the requirement to pass an oral and practical test. Additionally, § 65.71(b) requires a certificated mechanic who applies for an additional rating to meet the experience requirements of § 65.77 and, within a period of 24 months, pass the written test required by § 65.75 and the oral and practical tests required by § 65.79 for the additional rating sought.

For the reasons discussed in section B.1.b of this preamble, the FAA, under the extraordinary circumstances of the COVID–19 outbreak, is also providing relief to persons seeking a mechanic certificate or rating issued under part 65 who have testing periods expiring between March 2020 and June 2020. Therefore, consistent with the relief provided under parts 61 and 63, the FAA is extending the validity of the testing period under § 65.71 for a duration of three months. Accordingly, an individual who has a testing period expiring in March, April, May, or June 2020 may show eligibility under § 65.71 to take a practical test for a mechanic certificate or rating provided the testing period does not exceed 27 months.[79]

c. Inspection Authorization: Renewal (§ 65.93)

There are more than 30,000 FAA-certificated mechanics[80] that hold inspection authorizations (IA), which enable them to perform vital aircraft maintenance services to the general aviation community. With the exception of any aircraft maintained in accordance with a continuous airworthiness program under part 121, mechanics with IA can inspect and approve for return to service any aircraft or related part or appliance after a major repair or major alteration to it if the work was done in accordance with technical data

[77] Exceptions to the 24 calendar month limitation are prescribed in paragraphs (d)(1) for applicants employed as a flight crewmember or mechanic by an air carrier; or (d)(2) for applicants that participated in a military flight engineer or maintenance program.

[78] Under part 65, subpart D, the FAA may issue an airframe or powerplant rating. 14 CFR 65.73.

[79] If a testing period was to expire on April 30, 2020, this SFAR extends the testing period to July 31, 2020.

[80] Information provided by the FAA Aircraft Maintenance Division on April 10, 2020.

approved by the FAA.[81] The COVID–19 outbreak has posed a challenge for some of these mechanics to meet their renewal requirements under § 65.93.

Each inspection authorization expires on March 31st of each odd-numbered year.[82] However, a person holding an IA may only exercise the privileges of an IA if that person meets one of the annual activity requirements for each year of the two-year IA renewal period under § 65.93. The annual activity requirements prescribed in § 65.93(a) are: (1) Perform at least one annual inspection for each ninety days that the applicant held the current authority; (2) perform at least two major repairs or major alterations for each ninety days the applicant held the current authority; (3) perform or supervise and approve at least one progressive inspection; (4) complete an IA refresher course; or (5) pass an oral test by the FAA.

As a result of the COVID–19 outbreak, general aviation flight hours have declined dramatically, causing a reduction in aircraft maintenance. In some localities, many aircraft maintenance facilities are closed. The closure of these facilities could make the IA renewal option of conducting major repair and alterations, annual inspections, and progressive inspections extremely difficult to accomplish. In addition, a majority of FAA-sponsored IA renewal seminars, which are typically held in-person at local FAA offices, were cancelled in March 2020. Finally, in person staffing at Flight Standards offices has been reduced with a majority of the employees teleworking, which has made the oral testing option more challenging. The only remaining option was to complete an IA refresher course online. Due to the confusion and uncertainty surrounding the COVID–19 outbreak, many mechanics may have been caught off-guard and without a plan to meet their annual requirement. If an IA holder was unable to meet the annual activity requirement for the 2019/2020 calendar year, he or she would not be eligible to renew in March of 2021, and the only option to regain the authorization would be by retaking and passing the FAA written test and an oral test.

The FAA has decided, under the extraordinary circumstances of the COVID–19 outbreak, to provide relief for IA holders that were unable to meet the first year (even-numbered year) renewal requirements by March 2020 as prescribed in § 65.93. The extension provides an IA holder an additional three months (April–June 2020) to complete one of the listed activities in accordance with § 65.93(a)(1) through (5) to meet the first year renewal requirements. Consistent with the prohibition in § 65.93(c), an IA holder who has not met one of the five activities in § 65.93(a)(1) through (5) by June 30, 2020, may not exercise IA privileges after June 30, 2020. A person who has completed one of the listed activities in accordance with § 65.93(a)(1) through (5) by June 30, 2020, will be considered to have completed it by March 31, 2020, (first year of 2-year IA period) for the purposes of determining compliance with the renewal requirements of § 65.93(a).

The FAA emphasizes, however, that an activity performed between April and June 2020 to satisfy the first year renewal requirements under this SFAR cannot also be used to meet the year two renewal requirements. An IA holder is still required to complete one of the five activities specified in § 65.93(a)(1) through (5) by March 31, 2021 to satisfy the renewal requirements for the second year of the two-year period. The requirements in § 65.93(a)(1) and (2), which require the activity to be performed ''each 90 days,'' do not mean the requirement must be completed each quarter. The requirement only sets the number of activities that an applicant must perform during the renewal period (since an applicant may not have held their rating for an entire year). Accordingly, these activities could be performed at any point during the renewal period.[83] For this reason, the FAA has determined it is unnecessary to provide relief to individuals who are unable to meet these activities during the COVID–19 outbreak in the second-year renewal period because they are still able to comply with the requirements thereafter.

d. Military Riggers or Former Military Riggers: Special Certification Rule (§ 65.117)

Parachute riggers provide a vital service to the parachuting industry to include firefighting smoke jumpers and other operations. Former military parachute riggers are essential to these operations. A special certification has been granted to military or former military parachute rigger applicants for a senior parachute rigger certificate under § 65.117. A military applicant is required to pass a written test, present evidence of current or past military experience within the previous twelve months where he or she has served as a parachute rigger in the military,[84] and have the experience packing parachutes as prescribed in § 65.115(a).[85]

Reduced staffing at Flight Standards offices, public health guidelines for social distancing, and travel restrictions in some localities significantly diminish a former military parachute rigger's ability to apply for a senior parachute rigger certificate within the prescribed twelve-month requirement under § 65.117. As a result, under the extraordinary circumstances of the COVID–19 outbreak, the FAA is extending the period for former military parachute riggers to apply for a senior parachute rigger certificate by three months. Eligible persons are those former members or former civilian employees of an Armed Force of the United States or former civilian employees of a regular armed force of a foreign country who were honorably discharged or released beginning in March 2019 through June 2019.[86] The extension provides these applicants a total time of fifteen months to submit their application to the responsible Flight Standards office. The applicant must meet all applicable requirements prior to application within the extended deadline.

5. Part 141

a. Requirements for a Pilot School Certificate (§ 141.5)

An applicant for a pilot school certificate must meet the requirements of § 141.5 within the preceding 24 calendar months before the date that application is made for that pilot school

[81] *See* 14 CFR 65.95(a) (containing inspection authorization privileges and limitations) and 43.7(b) (specifying persons authorized to approve aircraft, airframes, aircraft engines, propellers, appliances, or component parts for return to service after maintenance, preventive maintenance, rebuilding, or alteration).

[82] The next IA renewal is in March 2021. An IA must provide evidence of activity for the even year (April 2019–March 2020 and the odd year (April 2020–March 2021) in order to renew in March 2021.

[83] Legal Interpretation to Mr. Rhein (Mar. 17, 1995) at: *https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/regulations/interpretations/?year=all&q=Rhein&bSubmit=Search.*

[84] Section 65.117(a) states the military applicant must be a member or civilian employee of an Armed Force of the United States, or is a civilian employee of a regular armed force of a foreign country, or has, within the 12 months before he or she applies, been honorably discharged or released; is serving, or has served within the 12 months before he or she applies, as a parachute rigger for such an Armed Force.

[85] Section 65.115(a) requires the applicant to present evidence that he has packed at least 20 parachutes of each type for which he seeks a rating, in accordance with the manufacturer's instructions and under the supervision of a certificated parachute rigger holding a rating for that type or a person holding an appropriate military rating.

[86] If a military parachute rigger was released in May 2019, that person will now have until August 2020 to apply for a senior parachute rigger certificate.

certificate. As part of the provisional pilot school approval process, the FAA is required to inspect training equipment, inspect training facilities, and approve training course outlines and their associated syllabi, and additionally all chief instructors and assistant chief instructors are required to have a proficiency test performed by an FAA Aviation Safety Inspector to ensure § 141.5(c) is met. Paragraphs (d) and (e) require the school to have an 80 percent pass rate of its applicants for practical tests and ratings, and the school must have graduated at least ten different people from the school's approved training courses. If a provisional pilot school does not meet the requirements of § 141.5(d) and (e), its provisional status cannot be renewed and the school must cease operations.[87] Many areas throughout the U.S. are under stay-at-home advisories, which prevent flight training activities, and many colleges and universities with aviation programs have cancelled classes for the remainder of the academic year. The inability for pilot schools and provisional pilot schools to graduate students from their programs jeopardizes their ability within the 24 calendar month timeframe to meet the 80 percent pass rate of their applicants for knowledge tests, practical tests, and end-of-course tests for special curriculum courses and courses approved under appendix K of part 141, and graduate at least ten different people from the school's approved training courses. Therefore, under the extraordinary circumstances of the COVID–19 outbreak, the FAA is providing provisional pilot schools[88] whose 24 calendar-month window expires in April through June 2020, until December 31, 2020, to meet § 141.5(d) and (e), subject to the following conditions for provisional pilot schools taking advantage of this relief:

(1) Each part 141 provisional pilot school must notify its responsible Flight Standards office that it is applying for a pilot school certificate in accordance with this SFAR.

(2) In this notification, the part 141 provisional pilot school must submit an acceptable plan that explains the method to meet the requirements of § 141.5(d) and (e), which includes ensuring each instructor used for ground or flight training is current and proficient and evaluating students to determine if they are assigned to the proper stage of the training course and if additional training is necessary.

b. Renewal of Certificates and Ratings (§ 141.27)

Section 141.27 requires all part 141 schools to renew their pilot school certificates every 24 calendar months. A provisional pilot school, in accordance with paragraph (b), must obtain a pilot school certificate by the end of the 24 months since the date of the issuance of its pilot school certificate. Otherwise, its pilot school certificate expires. Should it expire, the provisional pilot school cannot apply for another provisional pilot school certificate for 180 days. Section 141.27 also requires a pilot school to comply with training ability and quality standards established in § 141.5—that is, the pass rate of its applicants for practical tests and the number of graduates as described in B.5.a.

During the COVID–19 outbreak, many part 141 schools have ceased flight operations for their students. Some schools are utilizing online classroom instruction for the ground content of a course. However, not all part 141 schools may be capable of providing ground instruction online. The FAA has determined, under the extraordinary circumstances of the COVID–19 outbreak, that it is appropriate to allow pilot schools additional time to meet the requirements of § 141.5.

Pilot school certificates with an expiration date of April 2020[89] through June 2020, are extended to December 31, 2020, subject to the following conditions for pilot schools taking advantage of this relief:

(1) Each part 141 pilot school must notify its responsible Flight Standards office that it will renew its pilot school certificate in accordance with this SFAR.

(2) In this notification, the part 141 pilot school must submit an acceptable plan that explains the method to regain currency that includes ensuring each instructor used for ground or flight training is current and proficient and evaluating students to determine if they are assigned to the proper stage of the training course and if additional training is necessary.

C. Other Relief for Special Flight Permits (§ 21.197)

Section 21.197(c) states in part, ''. . . a special flight permit with a continuing authorization may be issued for aircraft that may not meet applicable airworthiness requirements, but are capable of safe flight for the purpose of flying aircraft to a base where maintenance or alterations are to be performed . . .''

Due to the COVID–19 outbreak and restrictions on flights, airlines have significantly reduced capacity in the National Airspace System (NAS). As domestic airlines work to find space to park much of their fleets, airport operators are working to find locations to support temporary overflow aircraft. Because extensive overflow parking presents an extraordinarily unusual operational environment and may adversely affect safety, it is helpful during this time for operators to have the ability to ferry aircraft to different points of storage.

Relief for § 21.197(c) is necessary to allow certificate holders or operators, authorized to conduct operations under part 119 or under subpart K of part 91, to ferry aircraft that may not meet all airworthiness requirements, but are capable of safe flight, to a point of storage.

In order to fly an aircraft that may not meet applicable airworthiness requirements but is capable of safe flight to a point of storage, a special flight permit must be issued under § 21.197(a)(1) for each affected aircraft.

The number of aircraft that are and may become affected due to personnel and logistical issues resulting from the COVID–19 outbreak will place a significant burden on certificate holders and operators as well as the responsible FAA Flight Standards offices that oversee them. Further, issuance of individual special flight permits by the FAA in a timely manner may not be feasible.

Under the extraordinary circumstances presented by the COVID–19 outbreak, the FAA will allow a special flight permit with continuing authorization to be issued for the purpose of flying the aircraft to a point of storage through December 31, 2020. By allowing these permits to be issued with continuing authorization through December, a majority of operators will have the opportunity to move the bulk of their aircraft to a point of storage. The FAA expects the volume of aircraft that

[87] Currently there are 32 provisional pilots schools with three provisional pilot schools that are Institutions of Higher Education (IHE), as defined by the Department of Education in 34 Code of Federal Regulation (CFR) 600.4. The IHEs provide semester credit hours of aviation and aviation-related coursework that have been recognized by the Administrator as coursework designed to improve and enhance the knowledge and skills of a person seeking a career as a professional pilot. Currently there are 125 part 141 pilot schools that hold an air agency certificate. Out of these 125 pilot schools, there are 45 associated with IHEs. There are 67 pilot school and provisional pilot school certificates with an expiration date between April and June 2020.

[88] Pilot school certificate renewals are addressed in B.5.b.

[89] Because all part 141 pilot schools that were due to renew in March 2020 were able to do so, relief for March 2020 is not necessary.

require movement to storage to return to a manageable level in 2021. Therefore, certificate or management specification holders that have a special flight permit with continuing authorization to conduct a ferry flight program may include the purpose of flying the aircraft to a point of storage in their program. To provide an acceptable level of safety, the certificate holder exercising this privilege must notify the responsible Flight Standards office each time the certificate holder uses it.

IV. Regulatory Notices and Analyses

Changes to Federal regulations must undergo several 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), as codified in 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 also analyzes this regulation under the Paperwork Reduction Act. This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

In conducting these analyses, the FAA has determined this rule is not a significant regulatory action, as defined in section 3(f) of Executive Order 12866. As notice and comment under 5 U.S.C. 553 are not required for this final rule, the regulatory flexibility analyses described in 5 U.S.C. 603 and 604 regarding impacts on small entities are not required. This rule will not create unnecessary obstacles to the foreign commerce of the United States. This rule will not impose an unfunded mandate on State, local, or tribal governments, or on the private sector, by exceeding the threshold identified previously. In order to take advantage of the relief from this SFAR, this rule will result in a one-time collection of information for affected operators and pilot schools to submit plans to mitigate safety risks and ensure proficiencies.

A. Regulatory Evaluation

i. Safety and Regulatory Relief Benefits

The provisions in this final rule provide temporary relief to persons who are unable to meet certain requirements during the COVID–19 outbreak and prevents persons from encountering situations that would unnecessarily increase the risk of transmission of the virus through personal contact. Without this final rule, certain pilots who perform critical operations would not be able to continue flying due to their inability to satisfy certain training, recency, testing and checking requirements, or would attempt to satisfy requirements by means contrary to the national social distancing guidelines to avoid economic burdens resulting from non-compliance with FAA regulations. Providing accommodation for such pilots is especially important, as because of the COVID–19 outbreak, essential operations are likely to face disruption due to a decreased supply of pilots, including pilots who may need to self-quarantine due to exposure to the virus or because they are among the population that the Centers for Disease Control and Prevention (CDC) has identified as high risk. Additionally, each month, a new group of pilots will be unavailable to perform essential operations because they cannot comply with certain training, recency, testing, or checking requirements during the course of the outbreak. To ensure the continuity of essential operations during the COVID–19 outbreak, this SFAR provides relief to certain individuals whose qualifications would otherwise lapse, thereby supporting the availability of qualified pilots to conduct essential operations. This relief allows operators to continue to use pilots and other crewmembers in support of essential operations.[90]

Additionally, this relief applies to some operations conducted by pilots exercising private pilot privileges, provided the pilot has at least 500 hours of total time as a pilot of which 400 hours is as PIC with 50 of the PIC hours accrued in the last twelve calendar months. As previously discussed, the kinds of operations permitted include, but are not limited to, flights to transport essential goods and/or medical supplies to support public health needs. This SFAR also extends to pilots conducting charitable medical flights for a volunteer pilot organization pursuant to an exemption issued under part 11, provided the pilots continue to comply with the conditions and limitations of the exemption.

This rule also provides relief for U.S. military and civilian personnel assigned outside the United States in support of U.S. Armed Forces Operations. It allows the FAA Flight Standards offices to accept expired flight instructor certificates and inspection authorizations for renewals and expired airman written test reports for certain practical tests. This avoids penalizing U.S. personnel who are unable to meet the regulatory time limits of their flight instructor certificates, inspection authorizations, or airman written test reports because they are serving outside the United States in support of U.S. Armed Forces operations when they expire, giving affected U.S. personnel extra time to meet certain eligibility requirements in the current rules.

In addition to pilots, this rule provides temporary relief to other persons such as flight attendant crewmembers, aircraft dispatchers, flight engineers, mechanics, flight instructors, ground instructors, and schools. This relief extends to flight attendant crewmembers, check pilots, and flight instructors under subpart K of part 91, and part 125. Finally, this relief applies to operations conducted under part 107 by a person who holds a remote pilot certificate issued under part 107.

ii. Costs To Utilize Relief

This SFAR will result in small costs for affected operators and pilot schools to notify the FAA and submit plans to mitigate safety risks and ensure proficiencies. In order to utilize the relief provided by this SFAR, an affected certificate holder or A125 LODA holder must provide a plan to its assigned FAA principal operations inspector. The plan is to contain a safety analysis and corresponding risk mitigations and methods to ensure that each crewmember remains adequately tested and currently proficient for each aircraft, duty position, and type of operation in which the person serves. Similarly, part 91 management specifications holders must also conduct a safety analysis and provide appropriate mitigations in a plan to their FAA principal inspector that

[90] This rule also allows certain air carriers and operators to fly temporary overflow aircraft, a need resulting from the COVID–19 outbreak, to a point of storage pursuant to a special flight permit with a continuing authorization.

addresses potential risks introduced by extending crewmember, check pilot, and flight instructor qualifications, training, and checking. The plan must ensure crewmembers remain adequately trained and currently proficient for each aircraft, crewmember position, and type of operation in which the crewmember serves.

In addition, pilot schools or provisional pilot schools taking advantage of this relief will incur small costs to notify their responsible Flight Standards offices that they will renew certificates in accordance with this SFAR and submit a plan that explains the methods to regain currency and to ensure the training of their instructors and students is current and proficient.

The FAA expects these plans to contain existing information maintained by affected operators and pilot schools. The FAA does not expect these plans to be burdensome.

Therefore, the FAA expects the benefits of this action exceed the costs since it provides immediate relief to enable operators to continue to use pilots and other crewmembers in support of essential operations. As a result, this SFAR will reduce disruption to the continuity of essential services in response to the COVID–19 outbreak. This SFAR also provides immediate relief from certain duration and renewal requirements to reduce unnecessary risk of exposure and to assure persons that they will not endure economic burdens due to non-compliance with certain regulations.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), in 5 U.S.C. 603, requires an agency to prepare an initial regulatory flexibility analysis describing impacts on small entities whenever an agency is required by 5 U.S.C. 553, or any other law, to publish a general notice of proposed rulemaking for any proposed rule. Similarly, 5 U.S.C. 604 requires an agency to prepare a final regulatory flexibility analysis when an agency issues a final rule under 5 U.S.C. 553, after being required by that section or any other law to publish a general notice of proposed rulemaking. The FAA found good cause to forgo notice and comment and any delay in the effective date for this rule. As notice and comment under 5 U.S.C. 553 are not required in this situation, the regulatory flexibility analyses described in 5 U.S.C. 603 and 604 are not required.

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 potential effect of this final rule and determined that its purpose has a legitimate domestic objective to promote the continuity and safety of U.S. civil aviation from risks of the COVID–19 outbreak while supporting essential services necessary to fight the outbreak. Therefore, the FAA has determined this final rule complies with the Trade Agreements Act of 1979.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155 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.

As previously discussed, in order to utilize the temporary relief provided by this SFAR, an affected certificate holder or A125 LODA holder must provide a plan to its assigned FAA principal operations inspector. The plan is to contain a safety analysis and corresponding risk mitigations and methods to ensure that each crewmember remains adequately tested and currently proficient for each aircraft, duty position, and type of operation in which the person serves. Part 91 management specifications holders must also conduct a safety analysis and provide appropriate mitigations in an acceptable plan to their FAA principal inspector that addresses potential risks introduced by extending crewmember, check pilot, and flight instructor qualifications, training, and checking. The plan must ensure crewmembers remain adequately trained and currently proficient for each aircraft, crewmember position, and type of operation in which the crewmember serves.

The FAA estimates that of the 69 part 125 certificate holders and A125 LODA holders, all would avail themselves of the relief provided by this SFAR, and therefore would be required to provide mitigation plans to their assigned principal operations inspector. The FAA further estimates that each respondent would spend two hours preparing and submitting its plan, for a total of 138 hours. The FAA believes the additional paperwork burden would be borne by the director of operations. At $51 per hour multiplied by 138 total hours, the FAA estimates the total burden to part 125 certificate holders and A125 LODA holders to be $7,038.[91]

In addition, each pilot school or provisional pilot school taking advantage of this relief must notify its responsible Flight Standards office that it will renew its pilot school certificate, or seek a pilot school certificate if currently a provisional pilot school certificate holder, in accordance with this SFAR. Each pilot school or provisional pilot school must submit a plan that includes an explanation of the methods to regain currency and to ensure its instructors are current and proficient and how students will be evaluated to determine if they are assigned to the proper stage of the training course and if additional training is necessary. The FAA estimates that all 10 provisional pilot schools and 57 pilot schools would request this relief, and would therefore be required to submit a plan to their responsible Flight Standards offices. The FAA further estimates that the preparation and submission of these plans would take one hour, for a total of 67 hours. The FAA believes the chief flight instructor will develop and submit the plan. At $27 per hour multiplied by 67 hours, the FAA estimates the total burden to part 141

[91] The FAA is using the BLS wage rate for commercial pilots of $39.54 per hour (*https://www.bls.gov/ooh/transportation-and-material-moving/airline-and-commercial-pilots.htm*) ($82,240/2080 hours=$39.54) multiplied by a fringe benefit multiplier of 29.9 percent (*https://www.bls.gov/news.release/ecec.nr0.htm*) which results in an hourly wage of $51.

pilot schools and provisional pilot schools to be $1,809.[92]

The combined burden, for both part 125 certificate holders and A125 LODA holders and part 141 pilot schools and provisional pilot schools is $7,038 + $1,809 = $8,847.

The FAA estimates that it would require an Aviation Safety Inspector (ASI) one hour to review and analyze a plan submitted by a part 125 certificate holder or A125 LODA holder. With 69 part 125 certificate holders or A125 LODA holders estimated to submit a plan multiplied by the hourly wage of a GS–13 FAA ASI, the resulting burden to the FAA is estimated to be $6,860 (69 responses × 1 hour × $99.42 = $6,860).[93]

The FAA estimates that it would require an ASI 30 minutes to review and accept a plan submitted by a part 141 pilot school or provisional pilot school certificate holder and place it in the school's file. With 67 total pilot schools and provisional pilot schools estimated to submit a plan multiplied by the hourly wage of a GS–13 FAA ASI, the resulting burden to the FAA is estimated to be $3,331 (67 responses × 0.5 hours × $99.42 = $3,331).

The combined burden to the FAA is therefore $6,860 + 3,331 = $10,191.

As provided under 5 CFR 1320.13, Emergency Processing, DOT is requesting emergency processing for this temporary collection of information as specified in the Paperwork Reduction Act and its implementing regulations. DOT cannot reasonably comply with normal clearance procedures because the information is necessary to provide temporary relief to persons who have been unable to meet certain requirements during the COVID–19 outbreak. Without this information, certain individuals will not be able to continue exercising privileges in support of essential operations due to their inability to satisfy certain training, recent experience, testing, and checking requirements. Additionally, other individuals may—to the extent possible given closures—attempt to satisfy requirements contrary to the national social distancing guidelines solely to avoid economic burdens resulting from non-compliance with FAA regulations. The use of normal clearance procedures will result in increased economic burden, disruption to critical aviation operations, and increased risk of exposure during this public health emergency. Due to the pressing considerations associated with the COVID–19 outbreak, it is not practicable to afford ninety days of public comment on this collection of information. Therefore, FAA is requesting OMB approval of this temporary collection of information upon the date that this SFAR is placed on public inspection at the **Federal Register**. Upon OMB approval of its Emergency clearance request, FAA will follow the normal clearance procedures for the information collection associated with this SFAR.

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 (ICAO) Standards and Recommended Practices (SARPs) to the maximum extent practicable. On April 3, 2020, ICAO issued a State Letter (AN 11/55–20/50) to address operational measures States are taking to ensure safe operations during the COVID–19 outbreak. ICAO recognized the varying needs of the States to provide relief and encouraged States to be flexible in their approaches for relief while also adhering to their obligations under the Convention on International Civil Aviation. During this period of relief, ICAO is paying particular attention to the SARPs related to certificates and licenses. ICAO has established a process for States to file temporary differences through a COVID–19 Contingency-Related Differences (CCRDs) sub-system, which is accessible through ICAO's Continuous Monitoring Approach (CMA) Online Framework of Electronic Filing of Differences (EFOD) dashboard that States use normally to file differences related to the Annexes. When States are submitting their differences, ICAO is requiring the State also to indicate whether or not it will recognize the differences of other States. FAA has already filed temporary differences with some of the relief it has given through exemptions under 14 CFR part 11 and has indicated it will recognize other States' differences unless the FAA deems safety is being compromised. ICAO tentatively plans to maintain the CCRD sub-system through March 31, 2021.

The FAA has reviewed the corresponding ICAO SARPs and has identified the following differences with these proposed regulations. In Annex 1, section 1.2.4.4.1, a medical assessment can be extended at the FAA's discretion up to 45 days. With this final rule, the FAA is extending the validity period up to three calendar months for pilots with expiring medicals between March 2020 and May 2020. As a result, the FAA will file a temporary difference with ICAO.

In Annex 6, Part 2, Section 3.9.4.2, a PIC is required to have made three takeoffs and landings within the preceding ninety days on the same type of airplane or in a flight simulator prior to serving as a PIC in that airplane. With this final rule, the FAA is extending the look-back period by sixty days for PICs conducting operations under part 91, subpart N, and part 125 operations. As a result, the FAA will file a temporary difference with ICAO.

In Annex 6, Part 2, Section 3.9.4.3, an SIC is required to have made three takeoffs and landings within the preceding ninety days on the same type of airplane or in a flight simulator prior to serving as a SIC in that airplane. With this final rule, the FAA is extending the look-back period by sixty days for SICs conducting operations under part 91, subpart N, and part 125 operations. As a result, the FAA will file a temporary difference with ICAO.

Certificate holders or operators may dispatch or release flights and pilots and crewmembers may operate outside of the United States under this SFAR, unless otherwise prohibited by a foreign country. For international operations where pilots and crewmembers will exercise the relief identified here, they must have access to this SFAR when outside the United States. In accordance with the Convention on International Civil Aviation (Chicago Convention), and its Annexes, pilots and crewmembers must present a copy of this SFAR for inspection upon request by a foreign civil aviation authority.

V. Executive Order Determinations

A. Executive Order 12114, Environmental Effects Abroad of Major Federal Actions

The FAA has analyzed this action under Executive Order 12114, Environmental Effects Abroad of Major Federal Actions (44 FR 1957, January 4,

[92] The FAA uses a flight instructor hourly wage of $20.54 multiplied by a fringe benefit multiplier of 29.9 percent, which results in a wage of approximately $27 per hour. This information is derived from the Bureau of Labor Statistics, Education, Training, and Library Occupations (code 25–0000) in the Nonscheduled Air Transportation Industry (NAICS 481200), and is assumed to be representative of flight instructor and representative occupations. *http://www.bls.gov/oes/current/naics4_481200.htm*

[93] The FAA assumes a mid-grade GS–13 salary, Rest of USA locality. Annual salary is $103,396 (*https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/RUS.pdf*) divided by 2,080 hours for an hourly rate of $49.70. The FAA uses a fringe benefits and overhead cost, for FAA employees, of 100%, which results in a fully loaded wage of $99.42 per hour. The U.S. Department of Health and Human Services, ''Guidelines for Regulatory Impact Analysis'' (2016), on page 30, HHS states, ''As an interim default, while HHS conducts more research, analysts should assume overhead costs (including benefits) are equal to 100 percent of pretax wages . . .'' (*https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf*).

1979), and DOT Order 5610.1C, Paragraph 16. Executive Order 12114 requires the FAA to be informed of environmental considerations and take those considerations into account when making decisions on major Federal actions that could have environmental impacts anywhere beyond the borders of the United States. The FAA has determined that this action is exempt pursuant to Section 2–5(a)(i) of Executive Order 12114 because it does not have the potential for a significant effect on the environment outside the United States.

In accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 8–6(c), FAA has prepared a memorandum for the record stating the reason(s) for this determination and has placed it in the docket for this rulemaking.

B. Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The agency determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have federalism implications.

C. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it is not a ''significant energy action'' under the Executive order and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

D. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. As described in Section IV. F., International Compatibility, the FAA is working with ICAO and other foreign CAAs on the kind of relief provided by this SFAR. 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. The provisions in this final rule provide temporary relief to persons who are unable to meet certain requirements during the COVID–19 outbreak and prevents persons from encountering situations that would unnecessarily increase the risk of transmission of the virus through personal contact.

F. Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

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

VI. How To Obtain Additional Information

A. Availability of Rulemaking Documents

An electronic copy of a rulemaking document my be obtained by using the internet—

1. Search the Federal eRulemaking Portal (*https://www.regulations.gov/*);
2. Visit the FAA's Regulations and Policies web page at *https://www.faa.gov/regulations_policies/* or
3. Access the Government Printing Office's web page at *https://www.govinfo.gov/.*

Copies may also be obtained by sending a request (identified by notice, amendment, or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677.

B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 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 listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA, visit *https://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 61

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements, Security measures, Teachers.

14 CFR Part 63

Aircraft, Airman, Aviation safety, Navigation (air), Reporting and recordkeeping requirements, Security measures.

14 CFR Part 65

Air traffic controllers, Aircraft, Airmen, Airports, Aviation safety, Reporting and recordkeeping requirements, Security measures.

14 CFR Part 91

Air carrier, Air taxis, Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Charter flights, Freight, Reporting and recordkeeping requirements, Transportation.

14 CFR Part 107

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements, Security measures, Signs and symbols.

14 CFR Part 125

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 141

Airmen, Educational facilities, Reporting and recordkeeping requirements, Schools.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 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 continues 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.

■ 2. Add Special Federal Aviation Regulation (SFAR) No. 118 to part 21 to read as follows:

Special Federal Aviation Regulation No. 118—Relief for Certain Persons During the Coronavirus Disease 2019 (COVID–19) Outbreak

For the text of SFAR No. 118, see part 61 of this chapter.

PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

■ 3. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709–44711, 44729, 44903, 45102–45103, 45301–45302; Sec. 2307 Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note).

■ 4. Add Special Federal Aviation Regulation (SFAR) No. 118 to part 61 to read as follows:

Special Federal Aviation Regulation No. 118—Relief for Certain Persons During the Coronavirus Disease 2019 (COVID–19) Outbreak

1. *Applicability.* This Special Federal Aviation Regulation (SFAR) applies to—

(a) Certain persons who are unable to meet the following requirements during some period of time between March 1, 2020 and June 30, 2020—

(1) Training, recency, testing, and checking requirements specified in this part, parts 91, 107, and 125 of this chapter, and SFAR No. 73 of this part; and

(2) Duration and renewal requirements specified in this part, parts 63, 65, and 141 of this chapter, and SFAR No. 100–2 of this part; and

(b) Certain air carriers and operators who are unable to obtain special flight permits with a continuing authorization under part 21 of this chapter for the purpose of flying the aircraft to a point of storage.

2. *Training, recency, testing, and checking requirements.*

(a) *Applicability.* The relief provided by paragraph 2 of this SFAR applies to—

(1) Operations conducted for compensation or hire under parts 91, 125, 133, and 137 of this chapter by persons who are exercising the privileges of at least a commercial pilot certificate issued under this part;

(2) Operations conducted by persons who are exercising the privileges of a private pilot certificate issued under this part, provided the person meets one of the following paragraphs—

(i) The person is conducting a charitable medical flight for a volunteer pilot organization pursuant to an exemption issued under part 11 of this chapter, and the flight involves only the carriage of persons considered essential for the flight;

(ii) The person is conducting an agricultural aircraft operation under a private agricultural aircraft operating certificate issued in accordance with § 137.19 of this chapter;

(iii) The person has at least 500 hours of total time as a pilot, that includes at least 400 hours as a pilot in command and at least 50 hours that were accrued within the preceding 12 calendar months, and the person is conducting one of the following operations consistent with the compensation or hire prohibitions specified in § 61.113:

(A) A flight incidental to that person's business or employment;

(B) A flight in support of family medical needs or to transport essential goods for personal use;

(C) A flight necessary to fly an aircraft to a location in order to meet a requirement of this chapter; or

(D) A flight to transport essential goods and medical supplies to support public health needs;

(3) For operations conducted under part 91, subpart K, and part 125 of this chapter, persons who are serving as flight attendant crewmembers, check pilots, and flight instructors; and

(4) Operations conducted under part 107 of this chapter by a person who holds a remote pilot certificate issued under part 107 of this chapter.

(b) *This Part.*

(1) *Second-in-command qualifications of § 61.55.*

(i) Notwithstanding the period specified in § 61.55(c), a person who is required to complete the second-in-command familiarization and currency requirements under § 61.55(b)(1) and (2) between March 1, 2020 and June 30, 2020 for purposes of maintaining second-in-command privileges may complete the requirements of § 61.55(b)(1) and (2) in the month before or three months after the month in which they are required, provided the pilot meets the requirements of paragraph 2.(b)(1)(ii) of this SFAR. A pilot who meets the requirements of § 61.55(b)(1) and (2) within the period prescribed by this paragraph 2.(b)(1)(i) will be considered to have completed the requirements in the month in which they were due.

(ii) *Qualification requirements.* To complete the requirements of § 61.55(b)(1) or (2) within the period specified in paragraph 2.(b)(1)(i) of this SFAR, the person—

(A) Must review and become familiar with the following information for the specific type of aircraft for which second-in-command privileges are sought—

(1) Operational procedures applicable to the powerplant, equipment, and systems;

(2) Performance specifications and limitations;

(3) Normal, abnormal, and emergency operating procedures;

(4) Flight manual; and

(5) Placards and markings; and

(B) Prior to serving as second-in-command, must have logged at least three takeoffs and landings to a full stop as the sole manipulator of the flight controls within the 180 days preceding the date of the flight.

(2) *Flight review requirements of § 61.56.* A person who has not completed a flight review within the previous 24 calendar months in accordance with § 61.56 may continue to act as pilot in command of an aircraft, provided the following requirements are met—

(i) *Airmen requirements.* The person was current to act as pilot in command of an aircraft in March 2020 and, to maintain currency, is required to complete a flight review under § 61.56 between March 1, 2020 and June 30, 2020.

(ii) *Qualification requirements.* To act as pilot in command of an aircraft during the period specified in paragraph 2(b)(2)(iii) of this SFAR, the person must have—

(A) Within the 12 calendar months preceding the month in which the flight review is due, logged at least 10 hours of flight time as pilot in command in an aircraft for which that pilot is rated; and

(B) Since January 1, 2020 and preceding the date of flight, completed online Wings courses for pilots from the FAA Safety Team website, available at *https://www.faasafety.gov.* The online training courses must total at least 3 Wings credits.

(iii) *Grace period.* The person may act as pilot in command of an aircraft for a duration of three calendar months from the month in which the flight review was due. Before acting as pilot in command of an aircraft in the fourth month after the month in which the flight review was due, the person must satisfactorily complete a flight review in accordance with § 61.56.

(3) *Instrument experience requirements of § 61.57.* A person who has not performed and logged the tasks required by § 61.57(c)(1) within the 6 calendar months preceding the month of the flight may continue to act as pilot in command under IFR or in weather conditions less than the minimums prescribed for VFR, provided the following requirements are met—

(i) *Qualification requirements.* The person has—

(A) Within the 6 calendar months preceding the month of the flight, performed and logged at least three instrument approaches in actual weather conditions, or under simulated conditions using a view-limiting device; and

(B) Within the 9 calendar months preceding the month of the flight, performed and logged the tasks required by § 61.57(c)(1).

(ii) *Grace period.* Between April 30, 2020 and June 30, 2020, a person who meets the qualification requirements of paragraph 2.(b)(3)(i) of this SFAR may

act as pilot in command under IFR or in weather conditions less than the minimums prescribed for VFR.

(iii) *Instrument currency after June 30, 2020.* Before acting as pilot in command under IFR or in weather conditions less than the minimums prescribed for VFR after June 30, 2020, the person must comply with § 61.57(c).

(4) *Pilot in command proficiency check requirements of § 61.58.*

(i) Notwithstanding the period specified in § 61.58(i), a pilot who is required to take a pilot in command proficiency check under § 61.58(a)(1) or (2) between March 1, 2020 and June 30, 2020 for purposes of maintaining pilot in command privileges may complete the check in the month before or three months after the month in which it is required, provided the pilot meets the requirements of paragraph 2.(b)(4)(ii) of this SFAR. A pilot who completes the proficiency check within the period prescribed by this paragraph 2.(b)(4)(i) will be considered to have completed the check in the month in which it was required.

(ii) *Qualification requirements.* To complete the pilot in command proficiency check required by § 61.58(a)(1) or (2) within the period specified in paragraph 2.(b)(4)(i) of this SFAR, the person—

(A) Must meet the flight experience requirements of § 61.57 that are applicable to the operation to be conducted; and

(B) Within the 3 calendar months preceding the month of the flight, must have reviewed the following information for the specific type of aircraft for which pilot in command privileges are sought—

(1) Operational procedures applicable to the powerplant, equipment, and systems;

(2) Performance specifications and limitations;

(3) Normal, abnormal, and emergency operating procedures;

(4) Flight manual; and

(5) Placards and markings.

(5) *Flight Crewmember Requirements of Part 91, Subpart K, of this Chapter.*

(i) *Testing and checking requirements.* Notwithstanding the period specified in § 91.1071(a) of this chapter, a crewmember who is required to take a test or a flight check under § 91.1065(a), § 91.1065(b), § 91.1067, § 91.1069(a), or § 91.1069(b) of this chapter between March 1, 2020 and June 30, 2020 for purposes of maintaining qualification may complete the test or check in the month before or three months after the month it is required, provided the requirements of paragraph 2.(b)(5)(vi) of this SFAR are met. A crewmember who completes a test or check in accordance with this paragraph 2.(b)(5)(i) will be considered to have completed the test or check in the month in which it was required.

(ii) *Recurrent training requirements.* Notwithstanding the period specified in § 91.1073(b) of this chapter, a crewmember who is required to complete recurrent training under § 91.1099 or § 91.1107(c) of this chapter between March 1, 2020 and June 30, 2020 for purposes of maintaining qualification may complete that training in the month before or three months after the month in which it is required, provided the requirements of paragraph 2.(b)(5)(vi) of this SFAR are met. A crewmember who completes recurrent training in accordance with this paragraph 2.(b)(5)(ii) will be considered to have completed the training in the month in which it was required.

(iii) *Instrument experience.*

(A) *Precision instrument approaches.* A pilot who has not satisfactorily demonstrated the type of precision instrument approach procedure to be used within the previous six months in accordance with § 91.1069(c) of this chapter may continue to use that type of approach procedure, provided the following requirements are met—

(1) *Airmen requirements.* The person was current under § 91.1069(c) of this chapter to use that type of precision instrument approach procedure in March 2020, and is required to demonstrate that type of precision instrument approach procedure between March 1, 2020 and June 30, 2020.

(2) *Grace period.* The person satisfactorily demonstrates that type of precision instrument approach procedure within three months after the month in which it was required.

(3) *Safety mitigations.* The management specification holder satisfies paragraph 2.(b)(5)(vi) of this SFAR.

(B) *Non-precision instrument approaches.* A pilot who has not satisfactorily demonstrated either the type of non-precision instrument approach procedure to be used, or any other two different types of non-precision approach procedures, within the previous six months in accordance with § 91.1069(c) of this chapter may continue to use that type of non-precision instrument approach procedure, provided the following requirements are met—

(1) *Airmen requirements.* The person was current under § 91.1069(c) of this chapter to use that type of non-precision instrument approach procedure in March 2020, and is required to demonstrate that type of non-precision instrument approach procedure, or any other two different types of non-precision instrument approach procedures, between March 1, 2020 and June 30, 2020.

(2) *Grace period.* The person satisfactorily demonstrates that type of non-precision instrument approach procedure within three months after the month in which it was required.

(3) *Safety mitigations.* The management specification holder satisfies paragraph 2.(b)(5)(vi) of this SFAR.

(iv) *Check pilot (simulator) and flight instructor (simulator) requirements.* Notwithstanding the period specified in §§ 91.1089(g) and 91.1091(g) of this chapter, a check pilot (simulator) or flight instructor (simulator) who is required to complete the flight segments or line-observation program under § 91.1089(f) or § 91.1091(f) of this chapter between March 1, 2020 and June 30, 2020 for purposes of maintaining qualification may complete the flight segments or line-observation program requirements in the month before or three months after the month they are required, provided the requirements of paragraph 2.(b)(5)(vi) of this SFAR are met. A check pilot (simulator) or flight instructor (simulator) who completes the flight segments or line-observation program requirements in accordance with this paragraph 2.(b)(5)(iv) will be considered to have completed the requirements in the month in which they were due.

(v) *Check pilot and flight instructor observation check requirements.* Notwithstanding the period specified in §§ 91.1093(b) and 91.1095(b) of this chapter, a check pilot or flight instructor who is required to complete an observation check under § 91.1093(a)(2) or § 91.1095(a)(2) of this chapter between March 1, 2020 and June 30, 2020 for purposes of maintaining qualification may complete the observation check in the month before or three months after the month it is required, provided the requirements of paragraph 2.(b)(5)(vi) of this SFAR are met. A check pilot or flight instructor who completes an observation check in accordance with this paragraph 2.(b)(5)(v) will be considered to have completed the check in the month in which it was due.

(vi) *Safety mitigations.* The management specification holder must provide an acceptable plan to the responsible Flight Standards office that contains the following information—

(A) A safety analysis and corresponding risk mitigations to be

implemented by the management specification holder; and

(B) The method the management specification holder will use to ensure that each crewmember complying with paragraph 2.(b)(5) of this SFAR remains adequately tested and currently proficient for each aircraft, duty position, and type of operation in which the person serves.

(6) *Mitsubishi MU–2B Series Special Training, Experience, and Operating Requirements of Part 91, Subpart N, of this Chapter.*

(i) *Recurrent training.* Notwithstanding the period specified in § 91.1705(e) of this chapter, a person who is required to complete recurrent training under § 91.1703(e) of this chapter between March 1, 2020 and June 30, 2020 for purposes of complying with § 91.1705(a) and (b) may complete the recurrent training in the month before or three months after the month the recurrent training is required, provided the requirements of paragraph 2.(b)(6)(iii) of this SFAR are met. A person who completes the recurrent training in accordance with this paragraph 2.(b)(6)(i) will be considered to have completed the training in the month it was required.

(ii) *Flight review.* A person who has not completed a flight review in accordance with §§ 61.56 and 91.1715(c) of this chapter in a Mitsubishi MU–2B series airplane or an MU–2B Simulator approved for landings with an approved course conducted under part 142 of this chapter may continue to act as pilot in command of a Mitsubishi MU–2B series airplane, providing the following requirements are met—

(A) *Airmen requirements.* The person was—

(1) Current to act as pilot in command of a Mitsubishi MU–2B series airplane in March 2020 and, to maintain currency, is required to complete a flight review in a Mitsubishi MU–2B series airplane between March 1, 2020 and June 30, 2020; and

(2) The requirements of paragraph 2.(b)(6)(iii) of this SFAR are met.

(B) *Grace period.* The person may act as pilot in command of a Mitsubishi MU–2B series airplane for a duration for three calendar months from the month in which the flight review was due. Before acting as pilot in command of an aircraft in the fourth month after the month in which the flight review was due, the person must satisfactorily complete a flight review in accordance with §§ 61.56 and 91.1715(c) of this chapter in a Mitsubishi MU–2B series airplane or an MU–2B Simulator approved for landings with an approved course conducted under part 142 of this chapter.

(iii) *Qualification requirements.* To complete the recurrent training or flight review during the grace period provided under paragraph 2.(b)(6) of this SFAR, the person must—

(A) Within the 12 calendar months preceding the month the recurrent training or flight review is due, have logged at least 10 hours of flight time as sole manipulator of the controls in an MU–2B series airplane that includes at least 3 hours of flight time in the 3 calendar months preceding the month in which the recurrent training or flight review is due;

(B) Since January 1, 2020, have completed online Wings courses for pilots from FAA Safety Team website, available at *https://www.faasafety.gov/.* The online training courses must total at least 3 Wings credits; and

(C) Prior to manipulating the controls of an MU–2B series airplane, have completed three hours of self-study, since January 1, 2020 and preceding the date of the flight, on the following subjects—

(1) The ground training curriculum required by § 91.1705(h)(1) of this chapter;

(2) The *Special Emphasis Items* listed in the approved MU–2B training program that the pilot last completed;

(3) The limitations, procedures, aircraft performance, and MU–2B Cockpit Checklist procedures applicable to the MU–2B model to be flown, which are contained in the flight training curriculum required by § 91.1705(h)(2) of this chapter; and

(4) The current general operating and flight rules of part 91 of this chapter.

(7) *Aeronautical Knowledge Recency Requirements of § 107.65 of this Chapter.* A person who has not satisfied the aeronautical knowledge recency requirements of § 107.65(a) or (b) of this chapter within the previous 24 calendar months may operate a small unmanned aircraft system under part 107 of this chapter, provided that person meets the following requirements—

(i) *Airmen requirements.* The person was current to exercise the privileges of a remote pilot certificate in March 2020 and, to maintain aeronautical currency, is required to meet the aeronautical recency requirements in § 107.65(a) or (b) of this chapter between April 1, 2020 and June 30, 2020.

(ii) *Qualification requirements.* The person must have completed an FAA-developed initial or recurrent online training course, available at *https://www.faasafety.gov,* covering the areas of knowledge specified in § 107.74(a) or (b) of this chapter. Each person is eligible to take an online training course specified in this paragraph 2.(b)(7)(ii) one time for the purpose of obtaining the six calendar month grace period specified in paragraph 2.(b)(7)(iii) of this SFAR.

(iii) *Grace period.* The person may operate a small unmanned aircraft system under part 107 of this chapter for a duration of six calendar months from the month in which the person completed the online training course specified in paragraph 2.(b)(7)(ii) of this SFAR. Before operating a small unmanned aircraft system under part 107 in the seventh month after the month in which the person completed the online training course, the person must satisfy § 107.65 of this chapter.

(8) *Flight Crewmember Requirements of Part 125 of this Chapter.*

(i) *Recent experience requirements.* A person who has not satisfied the recent experience requirements of § 125.285(a) of this chapter may be used by a certificate holder (or holder of an A125 letter of deviation authority), and may serve as a required pilot flight crewmember, in operations conducted under part 125 of this chapter, provided the following requirements are met—

(A) *Grace period.* The person has made at least three takeoffs and landings, within the preceding 150 days, in the type of airplane in which that person is to serve.

(B) *Safety Mitigations.* The certificate holder complies with paragraph 2.(b)(8)(iii) of this SFAR.

(ii) *Testing and checking requirements.* Notwithstanding the period specified in § 125.293(a) of this chapter, a crewmember who is required to take a test or check under § 125.287(a), § 125.287(b), § 125.289, or § 125.291(a) of this chapter between March 1, 2020 and June 30, 2020 for purposes of maintaining qualifications may complete the test or check in the month before or three months after the month it is required, provided the requirements of paragraph 2.(b)(8)(iii) of this SFAR are met. A crewmember who completes the test or check in accordance with this paragraph 2.(b)(8)(ii) will be considered to have completed the test or check in the month in which it was required.

(iii) *Safety mitigations.* The certificate holder (or holder of an A125 letter of deviation authority) must provide an acceptable plan to its assigned principal operations inspector that contains the following information—

(A) A safety analysis and corresponding risk mitigations to be implemented by the certificate holder (or holder of an A125 letter of deviation authority); and

(B) The method the certificate holder (or holder of an A125 letter of deviation authority) will use to ensure that each crewmember complying with paragraph 2.(b)(8) of this SFAR remains adequately tested and currently proficient for each aircraft, duty position, and type of operation in which the person serves.

(9) *Robinson R–22/R–44 Special Training and Experience Requirements of SFAR No. 73 of this Part.* A person who has not completed a flight review in a Robinson model R–22 or R–44 helicopter, as appropriate, within the preceding 24 calendar months in accordance with paragraph 2(c) of SFAR No. 73 and § 61.56, may continue to act as pilot in command of a Robinson model R–22 or R–44 helicopter, as appropriate, providing the following requirements are met—

(i) *Airmen requirements.* The person was current to act as pilot in command of a Robinson model R–22 or R–44 helicopter, as appropriate, in March 2020 and, to maintain currency, is required to complete a flight review in a Robinson model R–22 or R–44 helicopter, as appropriate, between March 1, 2020 and June 30, 2020.

(ii) *Qualification requirements.* The person must—

(A) Satisfy the qualification requirements specified in paragraph 2.(b)(2)(ii) of this SFAR, except that—

(1) The 10 hours of flight time as pilot in command must be obtained in a Robinson model R–22 or R–44 helicopter, as appropriate to the privileges sought;

(2) At least 3 hours of flight time must be obtained within the 3 calendar months preceding the month in which the flight review is due; and

(3) The courses required by paragraph 2.(b)(9)(ii)(C) and (D) of this SFAR may count towards the 3 Wings credits.

(B) Complete three hours of self-study, since January 1, 2020 and preceding the date of flight, on the following subjects—

(1) The awareness training subject areas specified in paragraph 2(a)(3)(i) through (v) of SFAR No. 73 of this part;

(2) The current general operating and flight rules of part 91 of this chapter; and

(3) Robinson R–22 or R–44 Maneuvers Guide, as applicable to the model(s) in which the airmen holds pilot in command privileges;

(C) Complete Course ALC–103: Helicopter Weight and Balance, Performance at *https://www.faasafety.gov;* and

(D) Complete Course ALC–104: Helicopter—General and Flight Aerodynamics at *https://www.faasafety.gov/.*

(iii) *Grace period.* A person may act as a pilot in command of a Robinson model R–22 or R–44 helicopter, as appropriate, for a duration of three calendar months from the month in which the flight review was due. Before acting as pilot in command of an aircraft in the fourth month after the month in which the flight review was due, the person must satisfactorily complete a flight review in a Robinson model R–22 or R–44 helicopter, as appropriate to the privileges sought, in accordance with paragraph 2(c) of SFAR No. 73 of this part and § 61.56.

(10) *Operations outside the United States.* Unless otherwise prohibited by a foreign country, a person may operate outside of the United States under the relief provided by paragraph 2 of this SFAR if the person—

(i) Has access to this SFAR when outside the United States; and

(ii) Presents a copy of this SFAR for inspection upon request by a foreign Civil Aviation Authority in accordance with the Convention on International Civil Aviation (Chicago Convention), and its Annexes.

3. *Duration and renewal requirements.*

(a) *This Part.*

(1) *Extension of medical certificate duration requirements.* Notwithstanding the duration requirements for medical certificates specified in § 61.23(d), the expiration date of a first-, second-, or third-class medical certificate that expires between March 31, 2020 and May 31, 2020 is extended through June 30, 2020. A certificate extended under this paragraph 3.(a)(1) is considered valid under § 61.2(a)(5). Unless otherwise prohibited by a foreign country, a person may operate outside of the United States under this paragraph 3.(a)(1) if the person—

(i) Has access to this SFAR when outside the United States; and

(ii) Presents a copy of this SFAR for inspection upon request by a foreign Civil Aviation Authority in accordance with the Convention on International Civil Aviation (Chicago Convention), and its Annexes.

(2) *Extension of knowledge test duration requirements in § 61.39.* An applicant for a certificate or rating issued under this part may satisfy the eligibility requirement in § 61.39(a)(1) by passing the required knowledge test—

(i) Within the 27 calendar month period preceding the month the applicant completes the practical test, if a knowledge test is required, provided the knowledge test was passed between March 1, 2018 and June 30, 2018; or

(ii) Within the 63 calendar month period preceding the month the applicant completes the practical test for those applicants who complete the airline transport pilot certification training program in § 61.156 and pass the knowledge test for an airline transport pilot certificate with a multiengine class rating, provided the knowledge test was passed between March 1, 2015 and June 30, 2015.

(3) *Extension of renewal requirements for flight instructor certification.* The holder of a flight instructor certificate that expires between March 31, 2020 and May 31, 2020 may renew his or her flight instructor certificate by submitting a completed and signed application to the FAA and satisfactorily completing one of the renewal requirements specified in § 61.197(a)(2)(i) through (iv) before June 30, 2020.

(b) *Part 63 of this Chapter.*

(1) *Extension of medical certificate duration requirements.* For a person acting as a flight engineer of an aircraft, the expiration date of a second-class (or higher) medical certificate that expires between March 31, 2020 and May 31, 2020 is extended through June 30, 2020. Unless otherwise prohibited by a foreign country, a person may operate outside of the United States under this paragraph 3.(b)(1) if the person:

(i) Has access to this SFAR when outside the United States; and

(ii) Presents a copy of this SFAR for inspection upon request by a foreign Civil Aviation Authority in accordance with the Convention on International Civil Aviation (Chicago Convention), and its Annexes.

(2) *Extension of written test duration requirements in § 63.35 of this chapter.* An applicant for a flight engineer certificate or rating may satisfy the knowledge requirement in § 63.35(d) of this chapter by passing the required written test within the 27 calendar month period preceding the month the applicant completes the practical test, provided the written test was passed between March 1, 2018 and June 30, 2018.

(c) *Part 65 of this Chapter.*

(1) *Extension of knowledge test duration requirements in § 65.55 of this chapter.* An applicant for an aircraft dispatcher certificate may satisfy the knowledge requirement in § 65.55(b) of this chapter by presenting satisfactory evidence that the applicant passed the knowledge test within the 27 calendar month period preceding the month the applicant completes the practical test, provided the knowledge test was passed between March 1, 2018 and June 30, 2018.

(2) *Extension of testing period in § 65.71 of this chapter.* A person may show eligibility for a mechanic certificate or rating under § 65.71 of this chapter by passing all of the prescribed tests of part 65, subpart D, of this chapter within a period of 27 months, provided the testing period began between March 1, 2018 and June 30, 2018.

(3) *Renewal of inspection authorizations in § 65.93 of this chapter.*

(i) *Grace period for meeting renewal requirements.* Notwithstanding the requirement in § 65.93(c) of this chapter, an inspection authorization holder who did not complete one of the activities in § 65.93(a)(1) through (5) of this chapter by March 31, 2020 of the first year may still be eligible for renewal of an inspection authorization for a 2-year period in March 2021. To be eligible for renewal, the inspection authorization holder must show completion of one of the five activities in § 65.93(a)(1) through (5) of this chapter by June 30, 2020, and completion of the one of the five activities in § 65.93(a)(1) through (5) of this chapter during the second year of the 2-year period. A person who completes one of the five activities by June 30, 2020 will be considered to have completed the activity by March 31, 2020 of the first year for purposes of determining eligibility under § 65.93 of this chapter.

(ii) *Inspection authorization privileges after June 2020.* If the inspection authorization holder does not complete one of the five activities in § 65.93(a)(1) through (5) of this chapter by June 30, 2020, the inspection authorization holder may not exercise inspection authorization privileges after June 30, 2020. The inspection authorization holder may resume exercising inspection authorization privileges only after passing an oral test from an FAA inspector in accordance with § 65.93(c) of this chapter.

(4) *Military riggers or former military riggers: Special certification rule of § 65.117 of this chapter.* A person may satisfy the requirements of § 65.117(a) and (b) of this chapter for a senior parachute rigger certificate by presenting satisfactory documentary evidence that the person was honorably discharged or released from any status covered by § 65.117(a) of this chapter between March 2019 and June 2019, and has served as a parachute rigger for an Armed Force within the 15 months before the date of application.

(d) *Relief for U.S. Military and Civilian Personnel Who are Assigned Outside the United States in Support of U.S. Armed Forces Operations.* Notwithstanding the 6 calendar month period specified in paragraph 2 of SFAR No. 100–2 of this part, a person may exercise the relief specified in paragraph 1 of SFAR No. 100–2 for a duration of 9 calendar months after returning to the United States, provided the person—

(1) Is eligible in accordance with paragraph 2 of SFAR No. 100–2 of this part;

(2) Complies with the documentation requirements specified in paragraph 3 of SFAR No. 100–2 of this part; and

(3) Returned to the United States from deployment between October 2019 and March 2020.

(e) *Part 141 of this Chapter.*

(1) *Pilot school certificate requirements of § 141.5 of this chapter.*

(i) *Provisional pilot school.* Notwithstanding the period specified in § 141.5 of this chapter, a provisional pilot school may apply for, and the FAA may issue, a pilot school certificate with the appropriate ratings if the following requirements are met—

(A) The provisional pilot school must satisfy the requirements of § 141.5(a) through (e) of this chapter before December 31, 2020;

(B) The provisional pilot school certificate must expire between April 2020 and June 2020; and

(C) The provisional pilot school meets the requirements of paragraph 3.(e)(1)(ii) of this SFAR.

(ii) *Safety mitigations.*

(A) The provisional pilot school must notify its responsible Flight Standards office that it is applying for a pilot school certificate in accordance with this SFAR.

(B) Each provisional pilot school must include in its notification an acceptable plan that explains the method to meet the requirements of § 141.5(d) and (e) of this chapter, including—

(1) Ensuring each instructor used for ground or flight training is current and proficient; and

(2) Evaluating students to determine if they are assigned to the proper stage of the training course and if additional training is necessary.

(2) *Renewal of certificates and ratings in § 141.27 of this chapter.*

(i) *Pilot school.* A pilot school may apply for renewal of its pilot school certificate and ratings after the expiration of its pilot schools certificate, provided the school applies for renewal before December 31, 2020 and the following requirements are met—

(A) The pilot school must meet § 141.27(a)(2) of this chapter before December 31, 2020;

(B) The pilot school certificate must expire between April 2020 and June 2020; and

(C) The pilot school meets the requirements of paragraph 3.(e)(2)(ii) of this SFAR.

(ii) *Safety mitigations.*

(A) Each pilot school must submit to the responsible Flight Standards office notification that it will renew its pilot school certificate in accordance with this SFAR.

(B) Each pilot school must include in its notification an acceptable plan that explains the method to regain currency, including—

(1) Ensuring each instructor used for ground or flight training is current and proficient; and

(2) Evaluating students to determine if they are assigned to the proper stage of the training course and if additional training is necessary.

4. *Other relief for special flight permits issued under § 21.197(c) of this chapter.* In addition to the purposes specified in § 21.197(c) of this chapter, notwithstanding §§ 119.5(l) and 91.1015(a) of this chapter, a special flight permit with a continuing authorization may be issued under § 21.197(c) of this chapter through December 31, 2020 for aircraft that may not meet applicable airworthiness requirements, but are capable of safe flight for the purpose of flying the aircraft to a point of storage, provided the following requirements are met—

(a) The air carrier or operator must hold a special flight permit with continuing authorization to conduct a ferry flight program issued under § 21.197(c) of this chapter; and

(b) The certificate holder or management specification holder must notify the responsible Flight Standards office each time the special flight permit is used for the purpose of flying the aircraft to a point of storage.

5. *Expiration date.* This SFAR is effective until March 31, 2021. The FAA may amend, rescind, or extend the SFAR as necessary.

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

■ 5. The authority citation for part 63 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

■ 6. Add Special Federal Aviation Regulation (SFAR) No. 118 to part 63 to read as follows:

Special Federal Aviation Regulation No. 118—Relief for Certain Persons During the Coronavirus Disease 2019 (COVID–19) Outbreak

For the text of SFAR No. 118, see part 61 of this chapter.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

■ 7. The authority citation for part 65 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

■ 8. Add Special Federal Aviation Regulation (SFAR) No. 118 to part 65 to read as follows:

Special Federal Aviation Regulation No. 118—Relief for Certain Persons During the Coronavirus Disease 2019 (COVID–19) Outbreak

For the text of SFAR No. 118, see part 61 of this chapter.

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 9. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534, Public Law 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

■ 10. Add Special Federal Aviation Regulation (SFAR) No. 118 to part 91 to read as follows:

Special Federal Aviation Regulation No. 118—Relief for Certain Persons During the Coronavirus Disease 2019 (COVID–19) Outbreak

For the text of SFAR No. 118, see part 61 of this chapter.

PART 107—SMALL UNMANNED AIRCRAFT SYSTEMS

■ 11. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 106(f), 40101 note, 40103(b), 44701(a)(5); Sec. 333 of Pub. L. 112–95, 126 Stat. 75.

■ 12. Add Special Federal Aviation Regulation (SFAR) No. 118 to part 107 to read as follows:

Special Federal Aviation Regulation No. 118—Relief for Certain Persons During the Coronavirus Disease 2019 (COVID–19) Outbreak

For the text of SFAR No. 118, see part 61 of this chapter.

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE; AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 13. The authority citation for part 125 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44702, 44705, 44710–44711, 44713, 44716–44717, 44722.

■ 14. Add Special Federal Aviation Regulation (SFAR) No. 118 to part 125 to read as follows:

Special Federal Aviation Regulation No. 118—Relief for Certain Persons During the Coronavirus Disease 2019 (COVID–19) Outbreak

For the text of SFAR No. 118, see part 61 of this chapter.

PART 141—PILOT SCHOOLS

■ 15. The authority citation for part 141 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709, 44711, 45102–45103, 45301–45302.

■ 16. Add Special Federal Aviation Regulation (SFAR) No. 118 to part 141 to read as follows:

Special Federal Aviation Regulation No. 118—Relief for Certain Persons During the Coronavirus Disease 2019 (COVID–19) Outbreak

For the text of SFAR No. 118, see part 61 of this chapter.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703 in Washington, DC, on April 29, 2020.

Steve Dickson,

Administrator, Federal Aviation Administration.

[FR Doc. 2020–09472 Filed 4–30–20; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 888

[Docket No. FDA–2015–N–3785]

Classification of Posterior Cervical Screw Systems: Small Entity Compliance Guide; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing the availability of a final guidance for industry entitled ''Classification of Posterior Cervical Screw Systems: Small Entity Compliance Guide.'' This small entity compliance guide (SECG) is intended to help small entities comply with the final rule on the classification of posterior cervical screw systems.

DATES: The announcement of the guidance is published in the **Federal Register** on May 4, 2020.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2015–N–3785 for ''Classification of Posterior Cervical Screw Systems: Small Entity Compliance Guide.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the SECG entitled ''Classification of Posterior Cervical Screw Systems: Small Entity Compliance Guide'' to the Office of Policy, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Constance Soves, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1656, Silver Spring, MD 20993–0002, 301–796–6951, *Constance.Soves@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of April 1, 2019 (84 FR 12088), FDA issued a final rule to classify posterior cervical screw systems into class II (special controls) and to continue to require a premarket notification (510(k)) to provide a reasonable assurance of safety and effectiveness of the device (the final rule). The final rule, which is codified at 21 CFR 888.3075, became effective May 1, 2019.

In compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121, as amended by Pub. L. 110–28), FDA is making this SECG available to explain the actions that a small entity must take to comply with the final rule.

This level 2 guidance is being issued consistent with our good guidance practices regulation (21 CFR 10.115(c)(2)). The SECG represents the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

The guidance refers to previously approved FDA collections of information. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 807, subpart E, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 801 have been approved under OMB control number 0910–0485; and the collections of information in 21 CFR part 807, subparts A through D, have been approved under OMB control number 0910–0625.

III. Electronic Access

Persons interested in obtaining a copy of the SECG may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* This guidance document is also available at *https://www.regulations.gov.* Persons unable to download an electronic copy of ''Classification of Posterior Cervical Screw Systems'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 20008 and complete title to identify the guidance you are requesting.

Date: April 24, 2020.

Lowell J. Schiller,

Principal Associate Commissioner for Policy.

[FR Doc. 2020–09188 Filed 5–1–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 54

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Parts 2560 and 2590

Extension of Certain Timeframes for Employee Benefit Plans, Participants, and Beneficiaries Affected by the COVID–19 Outbreak

AGENCY: Employee Benefits Security Administration, Department of Labor;

Internal Revenue Service, Department of the Treasury.

ACTION: Notification of relief; extension of timeframes.

SUMMARY: This document announces the extension of certain timeframes under the Employee Retirement Income Security Act and the Internal Revenue Code for group health plans, disability and other welfare plans, pension plans, and participants and beneficiaries of these plans during the COVID–19 National Emergency.

DATES: May 4, 2020.

FOR FURTHER INFORMATION CONTACT: Department of Labor, Elizabeth Schumacher or David Sydlik, Office of Health Plan Standards and Compliance Assistance, Employee Benefits Security Administration, at 202–693–8335, and Thomas Hindmarch, Office of Regulations and Interpretations, Employee Benefits Security Administration, at 202–693–8500; or William Fischer, Department of the Treasury, Internal Revenue Service, Office of Chief Counsel (Employee Benefits, Exempt Organizations and Employment Taxes) at 202–317–5500.

SUPPLEMENTARY INFORMATION:

I. Purpose

On March 13, 2020, President Trump issued the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak [1] and by separate letter made a determination, under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.,* that a national emergency exists nationwide beginning March 1, 2020, as the result of the COVID–19 outbreak (the National Emergency).[2] As a result of that determination, the Federal Emergency Management Agency (FEMA) issued emergency declarations for every state, territory, and possession of the United States.[3]

As a result of the National Emergency, participants and beneficiaries covered by group health plans, disability or other employee welfare benefit plans, and employee pension benefit plans may encounter problems in exercising their health coverage portability and continuation coverage rights, or in filing or perfecting their benefit claims. Recognizing the numerous challenges participants and beneficiaries already face as a result of the National Emergency, it is important that the Employee Benefits Security Administration, Department of Labor, Internal Revenue Service, and Department of the Treasury (the Agencies) take steps to minimize the possibility of individuals losing benefits because of a failure to comply with certain pre-established timeframes. Similarly, the Agencies recognize that affected group health plans may have difficulty in complying with certain notice obligations.

Accordingly, under the authority of section 518 of the Employee Retirement Income Security Act of 1974 (ERISA) and section 7508A(b) of the Internal Revenue Code of 1986 (the Code), the Agencies are extending certain timeframes otherwise applicable to group health plans, disability and other welfare plans, pension plans, and their participants and beneficiaries under ERISA and the Code.[4]

The Agencies believe that such relief is immediately needed to preserve and protect the benefits of participants and beneficiaries in all employee benefit plans across the United States during the National Emergency. Accordingly, the Agencies have determined, pursuant to section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(A), (B) and 553(d), that there is good cause for granting the relief provided by this document effective immediately upon publication, and that notice and public participation may result in undue delay and, therefore, be contrary to the public interest.[5]

This document has been reviewed by the Department of Health and Human Services (HHS), which has advised the Agencies that HHS concurs with the relief specified in this document.[6] HHS has advised the Agencies that HHS will exercise enforcement discretion to adopt a temporary policy of measured enforcement to extend similar timeframes otherwise applicable to non-Federal governmental group health plans and health insurance issuers offering coverage in connection with a group health plan, and their participants, beneficiaries and enrollees under applicable provisions of the Public Health Service Act (PHS Act). HHS has advised the Agencies that HHS encourages plan sponsors of non-Federal governmental group health plans to provide relief similar to that specified in this document to participants and beneficiaries, and encourages states and health insurance issuers offering coverage in connection with a group health plan to enforce and operate, respectively, in a manner consistent with the relief provided in this document. HHS has also advised the Agencies that HHS will not consider a state to have failed to substantially enforce the applicable provisions of title XXVII of the PHS Act if the state takes such an approach.

The relief provided by this document supplements other COVID–19 guidance issued by the Agencies, which can be accessed on the internet at: *https://www.dol.gov/agencies/ebsa/employers-and-advisers/plan-administration-and-compliance/disaster-relief* and *https://www.irs.gov/coronavirus.*

II. Background

Title I of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) provides portability of health coverage by, among other things,

[1] Available at *https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/.*

[2] March 13, 2020 letter from President Trump to Secretaries of the Departments of Homeland Security, the Treasury, and Health and Human Services and the Administrator of the Federal Emergency Management Agency, available at *https://www.whitehouse.gov/briefings-statements/letter-president-donald-j-trump-emergency-determination-stafford-act/.*

[3] FEMA Release Number HQ–20–017–FactSheet available at *https://www.fema.gov/news-release/2020/03/13/covid-19-emergency-declaration.*

[4] ERISA section 518 and Code section 7508A(b) generally provide that, in the case of an employee benefit plan, sponsor, administrator, participant, beneficiary, or other person with respect to such a plan affected by a Presidentially declared disaster, notwithstanding any other provision of law, the Secretaries of Labor and the Treasury may prescribe (by notice or otherwise) a period of up to one year that may be disregarded in determining the date by which any action is required or permitted to be completed. Section 518 of ERISA and section 7508A(b) of the Code further provide that no plan shall be treated as failing to be operated in accordance with the terms of the plan solely as a result of complying with the postponement of a deadline under those sections.

[5] Good cause exists for the same reasons underlying the issuance of the March 13, 2020 Proclamation on Declaring a National Emergency Concerning the Coronavirus Disease 2019 (COVID–19) Outbreak and the determination, under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, *et seq.,* that a national emergency exists nationwide as a result of the COVID–19 pandemic, and the same reasons underlying the issuance of the January 31, 2020 declaration that a public health emergency exists under section 319 of the Public Health Service Act (PHS Act).

[6] Section 104 of the Title I of Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires that the Secretaries of Labor, the Treasury, and Health and Human Services (the Departments) ensure through an interagency Memorandum of Understanding (MOU) that regulations, rulings, and interpretations issued by each of the Departments relating to the same matter over which two or more departments have jurisdiction, are administered so as to have the same effect at all times. Under section 104, the Departments, through the MOU, are to provide for coordination of policies relating to enforcement of the same requirements in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement. See section 104 of HIPAA and Memorandum of Understanding applicable to Title XXVII of the PHS Act, Part 7 of ERISA, and Chapter 100 of the Code, published at 64 FR 70164, December 15, 1999.

requiring special enrollment rights into group health plans upon the loss of eligibility of coverage. ERISA section 701, Code section 9801, 29 CFR 2590.701–6, 26 CFR 54.9801–6. Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) permits qualified beneficiaries who lose coverage under a group health plan to elect continuation health coverage. ERISA section 601, Code section 4980B, 26 CFR 54.4980B–1. Section 503 of ERISA and 29 CFR 2560.503–1 require employee benefit plans subject to Title I of ERISA to establish and maintain reasonable procedures governing the determination and appeal of claims for benefits under the plan. Section 2719 of the PHS Act, incorporated into ERISA by ERISA section 715, and into the Code by Code section 9815, imposes additional rights and obligations with respect to internal claims and appeals and external review for non-grandfathered group health plans and health insurance issuers offering non-grandfathered group or individual health insurance coverage. See also 29 CFR 2590.715–2719 and 26 CFR 54.9815–2719. All of the foregoing provisions include timing requirements for certain acts in connection with employee benefit plans, some of which are being modified by this document.

A. Special Enrollment Timeframes

In general, HIPAA requires a special enrollment period in certain circumstances, including when an employee or dependent loses eligibility for any group health plan or other health insurance coverage in which the employee or the employee's dependents were previously enrolled (including coverage under Medicaid and the Children's Health Insurance Program), and when a person becomes a dependent of an eligible employee by birth, marriage, adoption, or placement for adoption. ERISA section 701(f), Code section 9801(f), 29 CFR 2590.701–6, and 26 CFR 54.9801–6. Generally, group health plans must allow such individuals to enroll in the group health plan if they are otherwise eligible and if enrollment is requested within 30 days of the occurrence of the event (or within 60 days, in the case of the special enrollment rights added by the Children's Health Insurance Program Reauthorization Act of 2009). ERISA section 701(f), Code section 9801(f), 29 CFR 2590.701–6, and 26 CFR 54.9801–6.

B. COBRA Timeframes

The COBRA continuation coverage provisions generally provide a qualified beneficiary a period of at least 60 days to elect COBRA continuation coverage under a group health plan. ERISA section 605 and Code section 4980B(f)(5). Plans are required to allow payment of premiums in monthly installments, and plans cannot require payment of premiums before 45 days after the day of the initial COBRA election. ERISA section 602(3) and Code section 4980B(f)(2)(C). COBRA continuation coverage may be terminated for failure to pay premiums timely. ERISA section 602(2)(C) and Code section 4980B(f)(2)(B)(iii). Under the COBRA rules, a premium is considered paid timely if it is made not later than 30 days after the first day of the period for which payment is being made. ERISA section 602(2)(C), Code section 4980B(f)(2)(B)(iii), and 26 CFR 54.4980B–8 Q&A–5(a). Notice requirements prescribe time periods for employers to notify the plan of certain qualifying events and for individuals to notify the plan of certain qualifying events or a determination of disability. Notice requirements also prescribe a time period for plans to notify qualified beneficiaries of their rights to elect COBRA continuation coverage. ERISA section 606, Code section 4980B(f)(6), and 29 CFR 2590.606–3.

C. Claims Procedure Timeframes

Section 503 of ERISA and 29 CFR 2560.503–1, as well as section 2719 of the PHS Act, incorporated into ERISA by ERISA section 715 and 29 CFR 2590.715–2719, and into the Code by Code section 9815 and 26 CFR 54.9815–2719, require ERISA-covered employee benefit plans and non-grandfathered group health plans and health insurance issuers offering non-grandfathered group or individual health insurance coverage to establish and maintain a procedure governing the filing and initial disposition of benefit claims, and to provide claimants with a reasonable opportunity to appeal an adverse benefit determination to an appropriate named fiduciary. Plans may not have provisions that unduly inhibit or hamper the initiation or processing of claims for benefits. Further, group health plans and disability plans must provide claimants at least 180 days following receipt of an adverse benefit determination to appeal (60 days in the case of pension plans and other welfare benefit plans). 29 CFR 2560.503–1(h)(2)(i) and (h)(3)(i), 29 CFR 2590.715–2719(b)(2)(ii)(C), and 26 CFR 54.9815–2719(b)(2)(ii)(C).

D. External Review Process Timeframes

PHS Act section 2719, incorporated into ERISA by ERISA section 715 and into the Code by Code section 9815, sets out standards for external review that apply to non-grandfathered group health plans and health insurance issuers offering non-grandfathered group or individual health insurance coverage and provides for either a state external review process or a Federal external review process. Standards for external review processes and timeframes for submitting claims to the independent reviewer for group health plans or health insurance issuers may vary depending on whether a plan uses a State or Federal external review process. For plans or issuers that use the Federal external review process, the process must allow at least four months after the receipt of a notice of an adverse benefit determination or final internal adverse benefit determination for a request for an external review to be filed. 29 CFR 2590.715–2719(d)(2)(i) and 26 CFR 54.9815–2719(d)(2)(i). The Federal external review process also provides for a preliminary review of a request for external review. The regulation provides that if such request is not complete, the Federal external review process must provide for a notification that describes the information or materials needed to make the request complete, and the plan or issuer must allow a claimant to perfect the request for external review within the four-month filing period or within the 48-hour period following the receipt of the notification, whichever is later. 29 CFR 2590.715–2719(d)(2)(ii)(B) and 26 CFR 54.9815–2719(d)(2)(ii)(B).

III. Relief

A. Relief for Plan Participants, Beneficiaries, Qualified Beneficiaries, and Claimants

Subject to the statutory duration limitation in ERISA section 518 and Code section 7508A,[7] all group health plans, disability and other employee welfare benefit plans, and employee pension benefit plans subject to ERISA or the Code must disregard the period from March 1, 2020 until sixty (60) days after the announced end of the National Emergency or such other date announced by the Agencies in a future notification (the ''Outbreak Period'')[8] for all plan participants, beneficiaries, qualified beneficiaries, or claimants wherever located in determining the following periods and dates—

(1) The 30-day period (or 60-day period, if applicable) to request special enrollment under ERISA section 701(f) and Code section 9801(f),

[7] See footnote 4, supra.

[8] To the extent there are different Outbreak Period end dates for different parts of the country, the Agencies will issue additional guidance regarding the application of the relief in this document.

(2) The 60-day election period for COBRA continuation coverage under ERISA section 605 and Code section 4980B(f)(5),[9]

(3) The date for making COBRA premium payments pursuant to ERISA section 602(2)(C) and (3) and Code section 4980B(f)(2)(B)(iii) and (C),[10]

(4) The date for individuals to notify the plan of a qualifying event or determination of disability under ERISA section 606(a)(3) and Code section 4980B(f)(6)(C),

(5) The date within which individuals may file a benefit claim under the plan's claims procedure pursuant to 29 CFR 2560.503–1,

(6) The date within which claimants may file an appeal of an adverse benefit determination under the plan's claims procedure pursuant to 29 CFR 2560.503–1(h),

(7) The date within which claimants may file a request for an external review after receipt of an adverse benefit determination or final internal adverse benefit determination pursuant to 29 CFR 2590.715–2719(d)(2)(i) and 26 CFR 54.9815–2719(d)(2)(i), and

(8) The date within which a claimant may file information to perfect a request for external review upon a finding that the request was not complete pursuant to 29 CFR 2590.715–2719(d)(2)(ii) and 26 CFR 54.9815–2719(d)(2)(ii).

B. Relief for Group Health Plans

With respect to group health plans, and their sponsors and administrators, the Outbreak Period shall be disregarded when determining the date for providing a COBRA election notice under ERISA section 606(c) and Code section 4980B(f)(6)(D).

C. Later Extensions

The Agencies will continue to monitor the effects of the Outbreak and may provide additional relief as warranted.

IV. Examples

The following examples illustrate the timeframe for extensions required by this document. An assumed end date for the National Emergency was needed to make the examples clear and understandable. Accordingly, the Examples assume that the National Emergency ends on April 30, 2020, with the Outbreak Period ending on June 29, 2020 (the 60th day after the end of the National Emergency). To the extent there are different Outbreak Period end dates for different parts of the country, the Agencies will issue additional guidance regarding the application of the relief in this document.

Example 1 (Electing COBRA). (i) *Facts.* Individual A works for Employer X and participates in X's group health plan. Due to the National Emergency, Individual A experiences a qualifying event for COBRA purposes as a result of a reduction of hours below the hours necessary to meet the group health plan's eligibility requirements and has no other coverage. Individual A is provided a COBRA election notice on April 1, 2020. What is the deadline for A to elect COBRA?

(ii) *Conclusion.* In Example 1, Individual A is eligible to elect COBRA coverage under Employer X's plan. The Outbreak Period is disregarded for purposes of determining Individual A's COBRA election period. The last day of Individual A's COBRA election period is 60 days after June 29, 2020, which is August 28, 2020.

Example 2 (Special enrollment period). (i) *Facts.* Individual B is eligible for, but previously declined participation in, her employer-sponsored group health plan. On March 31, 2020, Individual B gave birth and would like to enroll herself and the child into her employer's plan; however, open enrollment does not begin until November 15. When may Individual B exercise her special enrollment rights?

(ii) *Conclusion.* In Example 2, the Outbreak Period is disregarded for purposes of determining Individual B's special enrollment period. Individual B and her child qualify for special enrollment into her employer's plan as early as the date of the child's birth. Individual B may exercise her special enrollment rights for herself and her child into her employer's plan until 30 days after June 29, 2020, which is July 29, 2020, provided that she pays the premiums for any period of coverage.

Example 3 (COBRA premium payments). (i) *Facts.* On March 1, 2020, Individual C was receiving COBRA continuation coverage under a group health plan. More than 45 days had passed since Individual C had elected COBRA. Monthly premium payments are due by the first of the month. The plan does not permit qualified beneficiaries longer than the statutory 30-day grace period for making premium payments. Individual C made a timely February payment, but did not make the March payment or any subsequent payments during the Outbreak Period. As of July 1, Individual C has made no premium payments for March, April, May, or June. Does Individual C lose COBRA coverage, and if so for which month(s)?

(ii) *Conclusion.* In this Example 3, the Outbreak Period is disregarded for purposes of determining whether monthly COBRA premium installment payments are timely. Premium payments made by 30 days after June 29, 2020, which is July 29, 2020, for March, April, May, and June 2020, are timely, and Individual C is entitled to COBRA continuation coverage for these months if she timely makes payment. Under the terms of the COBRA statute, premium payments are timely if made within 30 days from the date they are first due. In calculating the 30-day period, however, the Outbreak Period is disregarded, and payments for March, April, May, and June are all deemed to be timely if they are made within 30 days after the end of the Outbreak Period. Accordingly, premium payments for four months (*i.e.,* March, April, May, and June) are all due by July 29, 2020. Individual C is eligible to receive coverage under the terms of the plan during this interim period even though some or all of Individual C's premium payments may not be received until July 29, 2020. Since the due dates for Individual C's premiums would be postponed and Individual C's payment for premiums would be retroactive during the initial COBRA election period, Individual C's insurer or plan may not deny coverage, and may make retroactive payments for benefits and services received by the participant during this time.

Example 4 (COBRA premium payments). (i) *Facts.* Same facts as Example 3. By July 29, 2020, Individual C made a payment equal to two months' premiums. For how long does Individual C have COBRA continuation coverage?

(ii) *Conclusion.* Individual C is entitled to COBRA continuation coverage for March and April of 2020, the two months for which timely premium payments were made, and Individual C is not entitled to COBRA continuation coverage for any month after April 2020. Benefits and services

[9] The term ''election period'' is defined as ''the period which—(A) begins not later than the date on which coverage terminates under the plan by reason of a qualifying event, (B) is of at least 60 days' duration, and (C) ends not earlier than 60 days after the later of—(i) the date described in subparagraph (A), or (ii) in the case of any qualified beneficiary who receives notice under section 1166(a)(4) of this title, the date of such notice.'' 29 U.S.C. 1165(a)(1), ERISA section 605(a)(1). See also Code section 4980B(f)(5).

[10] Under this provision, the group health plan must treat the COBRA premium payments as timely paid if paid in accordance with the periods and dates set forth in this document. Regarding coverage during the election period and before an election is made, see 26 CFR 54.4980B–6, Q&A 3; during the period between the election and payment of the premium, see 26 CFR 54.4980B–8, Q&A 5(c).

provided by the group health plan (*e.g.,* doctors' visits or filled prescriptions) that occurred on or before April 30, 2020 would be covered under the terms of the plan. The plan would not be obligated to cover benefits or services that occurred after April 2020.

Example 5 (Claims for medical treatment under a group health plan). (i) *Facts.* Individual D is a participant in a group health plan. On March 1, 2020, Individual D received medical treatment for a condition covered under the plan, but a claim relating to the medical treatment was not submitted until April 1, 2021. Under the plan, claims must be submitted within 365 days of the participant's receipt of the medical treatment. Was Individual D's claim timely?

(ii) *Conclusion.* Yes. For purposes of determining the 365-day period applicable to Individual D's claim, the Outbreak Period is disregarded. Therefore, Individual D's last day to submit a claim is 365 days after June 29, 2020, which is June 29, 2021, so Individual D's claim was timely.

Example 6 (Internal appeal—disability plan). (i) *Facts.* Individual E received a notification of an adverse benefit determination from Individual E's disability plan on January 28, 2020. The notification advised Individual E that there are 180 days within which to file an appeal. What is Individual E's appeal deadline?

(ii) *Conclusion.* When determining the 180-day period within which Individual E's appeal must be filed, the Outbreak Period is disregarded. Therefore, Individual E's last day to submit an appeal is 148 days (180 − 32 days following January 28 to March 1) after June 29, 2020, which is November 24, 2020.

Example 7 (Internal appeal—employee pension benefit plan). (i) *Facts.* Individual F received a notice of adverse benefit determination from Individual F's 401(k) plan on April 15, 2020. The notification advised Individual F that there are 60 days within which to file an appeal. What is Individual F's appeal deadline?

(ii) *Conclusion.* When determining the 60-day period within which Individual F's appeal must be filed, the Outbreak Period is disregarded. Therefore, Individual F's last day to submit an appeal is 60 days after June 29, 2020, which is August 28, 2020.

Signed at Washington, DC, this 28th day of April, 2020.

Eugene Rutledge,

Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

Sunita Lough,

Deputy Commissioner for Services and Enforcement, Internal Revenue Service, Department of the Treasury.

[FR Doc. 2020–09399 Filed 4–30–20; 11:15 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

Double Coverage

AGENCY: Office of the Secretary, Department of Defense (DoD).

ACTION: Technical amendment.

SUMMARY: This technical amendment is being published to correct an error that was codified in the Code of Federal Regulations (CFR) in 2003. A paragraph was inadvertently duplicated in 2003 and is now being removed.

DATES: This technical amendment is effective May 4, 2020.

FOR FURTHER INFORMATION CONTACT: Patricia Toppings, 571–372–0485.

SUPPLEMENTARY INFORMATION: On April 30, 2003 (68 FR 23030–23034), the Department of Defense published a final rule titled ''TRICARE Program; Eligibility and Payment Procedures for Civilian Health and Medical Program of the Uniformed Services Beneficiaries Age 65 and Over,'' which amended 32 CFR part 199.

On page 23032, an amendatory instruction requested to amend § 199.8 by ''redesignating paragraph (c)(5) as (c)(6) and the second paragraph (c)(4) as (c)(5).''

The wording of this amendatory instruction led to a codification error which is still present in the CFR.

In 32 CFR 199.8, paragraphs (c)(5) and (c)(6) contain identical text. Only one of the paragraphs should remain in the CFR. Therefore, DoD is publishing this technical amendment to remove paragraph (c)(6) from 32 CFR 199.8.

It has been determined that publication of this CFR amendment for public comment is impracticable, unnecessary, and contrary to public interest since it is correcting a technical error.

This rule is not significant under Executive Order (E.O.) 12866, ''Regulatory Planning and Review.'' Therefore, E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' does not apply.

List of Subjects in 32 CFR Part 199

Claims, Dental health, Health care, Health insurance, Individuals with disabilities, Mental health, Mental health parity, Military personnel.

Accordingly, 32 CFR part 199 is amended as follows:

PART 199—[AMENDED]

■ 1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55.

§ 199.8 [Amended]

■ 2. Amend § 199.8 by removing paragraph (c)(6).

Dated: April 20, 2020.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2020–08664 Filed 5–1–20; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2020–0084]

RIN 1625–AA08

Special Local Regulation; Tred Avon River, Between Bellevue and Oxford, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations for certain waters of the Tred Avon River. This action is necessary to provide for the safety of life on these navigable waters located between Bellevue, MD, and Oxford, MD, during a swim event on June 6, 2020. This regulation prohibits persons and vessels from entering the regulated area unless authorized by the Captain of the Port Maryland-National Capital Region or the Coast Guard Patrol Commander.

DATES: This rule is effective from 6:45 a.m. to 10:15 a.m. on June 6, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2020–0084 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ron Houck, U.S. Coast Guard Sector Maryland-National Capital Region; telephone 410–576–2674, email *Ronald.L.Houck@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
PATCOM Coast Guard Patrol Commander
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

Charcot Marie Tooth Association and Therapies for Inherited Neuropathies of Trappe, MD, notified the Coast Guard that from 7:45 a.m. to 9:15 a.m. on June 6, 2020, it will be conducting the swim portion of the Oxford Funathlon in the Tred Avon River along a 1200-meter course that starts at the ferry dock in Bellevue, MD, and finishes at the Tred Avon Yacht Club in Oxford, MD. In response, on February 14, 2020, the Coast Guard published a notice of proposed rulemaking (NPRM) titled ''Special Local Regulation; Tred Avon River, Between Bellevue and Oxford, MD'' (85 FR 8504). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this fireworks display. During the comment period that ended March 16, 2020, we received no comments.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Maryland-National Capital Region (COTP) has determined that potential hazards associated with the swim will be a safety concern for anyone intending to participate in this event and for vessels that operate within specified waters of the Tred Avon River. The purpose of this rule is to protect event participants, non-participants, and transiting vessels in the regulated area before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published February 14, 2020. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes special local regulations from 6:45 a.m. to 10:15 a.m. on June 6, 2020. The regulated area will cover all navigable waters of the Tred Avon River, from shoreline to shoreline, within an area bounded on the east by a line drawn from latitude 38°42′25″ N, longitude 076°10′45″ W, thence south to latitude 38°41′37″ N, longitude 076°10′26″ W, and bounded on the west by a line drawn from latitude 38°41′58″ N, longitude 076°11′04″ W, thence to latitude 38°41′25″ N, longitude 076°10′49″ W, thence east to latitude 38°41′25″ N, longitude 076°10′30″ W, located at Oxford, MD. The duration of the rule and size of the regulated area are to ensure the safety of life on these navigable waters before, during, and after the scheduled 7:45 a.m. to 9:15 a.m. open water swim. The COTP and the Coast Guard Patrol Commander (PATCOM) will have authority to forbid and control the movement of all vessels and persons, including event participants, in the regulated area.

Except for Oxford Funathlon participants and vessels already at berth, a vessel or person will be required to get permission from the COTP or PATCOM before entering the regulated area. Vessel operators will be able to request permission to enter and transit through the regulated area by contacting the PATCOM on VHF–FM channel 16. Vessel traffic will be able to safely transit the regulated area once the PATCOM deems it safe to do so. A person or vessel not registered with the event sponsor as a participant or assigned as official patrols would be considered a non-participant. Official Patrols are any vessel assigned or approved by the Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

If permission is granted by the COTP or PATCOM, a person or vessel will be allowed to enter the regulated area or pass directly through the regulated area as instructed. Vessels will be required to operate at a safe speed that minimizes wake while within the regulated area. Official patrol vessels will direct non-participants while within the regulated area.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, time of day and duration of the regulated area, which will impact a small designated area of the Tred Avon River for 3.5 hours. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the status of the regulated area. Moreover, the rule will allow vessels to seek permission to enter the regulated area, and vessel traffic will be able to safely transit the regulated area once the PATCOM deems it safe to do so.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

Small businesses may send comments on the actions of Federal employees

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves implementation of regulations within 33 CFR part 100 applicable to organized marine events on the navigable waters of the United States that could negatively impact the safety of waterway users and shore side activities in the event area lasting for 3.5 hours. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T05–0084 to read as follows:

§ 100.T05–0084 Oxford Funathlon, Tred Avon River, Between Bellvue and Oxford, MD.

(a) *Regulated area.* The regulations in this section apply to the following area: All navigable waters of the Tred Avon River, from shoreline to shoreline, within an area bounded on the east by a line drawn from latitude 38°42′25″ N, longitude 076°10′45″ W, thence south to latitude 38°41′37″ N, longitude 076°10′26″ W, and bounded on the west by a line drawn from latitude 38°41′58″ N, longitude 076°11′04″ W, thence south to latitude 38°41′25″ N, longitude 076°10′49″ W, thence east to latitude 38°41′25″ N, longitude 076°10′30″ W, located at Oxford, MD. These coordinates are based on datum NAD 1983.

(b) *Definitions.* As used in this section—

Captain of the Port (COTP) Maryland-National Capital Region means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region or any Coast Guard commissioned, warrant or petty officer who has been authorized by the COTP to act on his behalf.

Coast Guard Patrol Commander (PATCOM) means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Maryland-National Capital Region.

Official patrol means any vessel assigned or approved by Commander, Coast Guard Sector Maryland-National Capital Region with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

Participant means all persons and vessels registered with the event sponsor as participating in the Maryland Freedom Swim or otherwise designated by the event sponsor as having a function tied to the event.

(c) *Regulations.* (1) Except for vessels already at berth, all non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the COTP Maryland-National Capital Region or PATCOM.

(2) To seek permission to enter, contact the COTP Maryland-National Capital Region at telephone number 410–576–2693 or on Marine Band Radio, VHF–FM channel 16 (156.8 MHz) or the PATCOM on Marine Band Radio, VHF–FM channel 16 (156.8 MHz). Those in the regulated area must comply with all lawful orders or directions given to them by the COTP Maryland-National Capital Region or PATCOM.

(3) The COTP Maryland-National Capital Region will provide notice of the regulated area through advanced notice via Fifth Coast Guard District Local Notice to Mariners, broadcast notice to mariners, and on-scene official patrols.

(d) *Enforcement officials.* The Coast Guard may be assisted with marine event patrol and enforcement of the regulated area by other Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced from 6:45 a.m. to 10:15 a.m. on June 6, 2020.

Dated: April 23, 2020.

Joseph B. Loring,

Captain, U.S. Coast Guard Captain of the Port Maryland-National Capital Region.

[FR Doc. 2020–09082 Filed 5–1–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2019–0892]

RIN 1625–AA09

Drawbridge Operation Regulation; Hackensack River, Jersey City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the operating schedule that governs the Route 1 & 9 Bridge, mile 1.8, and Route 7 Bridge, mile 3.1, both crossing the Hackensack River, at Jersey City, NJ. The bridge owner, New Jersey Department of Transportation (NJDOT), submitted a request to allow two hours advance notice for nighttime transits due to infrequent bridge openings. This final rule would align the advance notice requirement for the PATH Bridge at mile 3.0.

DATES: This rule is effective June 3, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov*. Type USCG–2019–0892 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Ms. Judy Leung-Yee, First Coast Guard District, Project Officer, telephone 212–514–4336, email *Judy.K.Leung-Yee@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On December 19, 2019, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulation; Hackensack River, Jersey City, NJ in the **Federal Register** (84 FR 69687). No comments were received in response to the NPRM.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority of 33 U.S.C. 499. The Route 1 & 9 Bridge at mile 1.8 over the Hackensack River at Jersey City, New Jersey, has a vertical clearance of 35 feet at mean high water and 40 feet at mean low water. Horizontal clearance is approximately 200 feet. The waterway users include recreational and commercial vessels including tugboat/barge combinations.

The Route 7 Bridge at mile 3.1 over the Hackensack River at Jersey City, New Jersey, has a vertical clearance of 35 feet at mean high water and 40 feet at mean low water. Horizontal clearance is approximately 158 feet. The waterway users include recreational and commercial vessels including tugboat/barge combinations.

The existing regulation, 33 CFR 117.5, requires both bridges open on signal at all times. NJDOT has requested that overnight hours between 11 p.m. and 7 a.m. be modified to two hours advance notice. This rule change will allow for more efficient and economic operation of the bridge while meeting the reasonable needs of navigation.

The bridge logs show that between 11 p.m. and 7 a.m., the Route 1 & 9 Bridge had 27 annual openings in 2017, 12 annual openings in 2018, and 16 annual openings in 2019. During the subject hours, the Route 7 Bridge had 16 annual openings in 2017, 1 annual opening in 2018, and 0 annual openings in 2019.

IV. Discussion of Comments, Changes and the Final Rule

The Coast Guard provided 60 days for comment regarding this rule and no comments were received.

There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

The final rule provides both Route 1 & 9 and Route 7 Bridges shall open on signal; except that, from 11 p.m. to 7 a.m., the draw shall open on signal if at least two hours advance notice is given by calling the number posted at the bridge. It is the Coast Guard's opinion that the rule meets the reasonable needs of marine traffic.

V. Regulatory Analyses

The Coast Guard has developed this rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive Orders, and we discuss First Amendment rights of protesters.

A. Regulatory Planning and Review

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

The Coast Guard believes this rule is not a significant regulatory action. The bridge will still open for all vessel traffic after a two-hour advance notice is given during overnight periods. We believe that this change to the drawbridge operation regulations at 33 CFR 117.723 will meet the reasonable needs of navigation.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The bridges provide 35 feet of vertical clearance at mean high water that should accommodate all the present vessel traffic except deep draft vessels. The bridge will continue to open on signal for any vessel, except between 11 p.m. and 7 a.m., when a two-hour advance notice will be required. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule

would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Environmental Planning COMDTINST 5090.1 (series) which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f). The Coast Guard has determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule promulgates the operating regulations or procedures for drawbridges and is categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.723 by adding paragraphs (j) and (k) to read as follows:

§ 117.723 Hackensack River.

* * * * *

(j) The draw of the Route 1 & 9 Bridge, mile 1.8, at Jersey City, shall open on signal; except that, from 11 p.m. to 7 a.m., the draw shall open on signal if at least two hours advance notice is given by calling the number posted at the bridge.

(k) The draw of the Route 7 Bridge, mile 3.1, at Jersey City, shall open on signal; except that, from 11 p.m. to 7 a.m., the draw shall open on signal if at least two hours advance notice is given by calling the number posted at the bridge.

Dated: April 21, 2020.

A.J. Tiongson,

Rear Admiral, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 2020–08806 Filed 5–1–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2020–0223]

RIN 1625–AA00

Safety Zone: Monongahela River Mile Marker 76.6, Pittsburgh, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of the Monongahela River at mile marker 76.6. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by construction on a new raw water intake, from April 27, 2020 through May 8, 2020. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Marine Safety Unit Pittsburgh or designated representative.

DATES: This rule is effective without actual notice from May 4, 2020 until 7 p.m. on May 8, 2020. For purposes of enforcement, actual notice will be used from 7 a.m. on April 27, 2020 until May 4, 2020.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2020–0223 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Matthew Izso, Marine Safety Unit Pittsburgh, U.S. Coast Guard; telephone 412–221–0807, email *Matthew.R.Izso@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register

NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. This safety zone must be established by April 27, 2020 and we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule. The NPRM process would delay the establishment of the safety zone until after the date of the raw water intake construction and compromise public safety.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest because immediate action is necessary to respond to the potential safety hazards associated with raw water intake work, which could pose a risk to the operation and waterways users if the normal vessel traffic were to interfere with the work. Possible hazards include risks of injury or death from near or actual contact among working vessels and mariners traversing through the safety zone.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Marine Safety Unit Pittsburgh (COTP) has determined that potential hazards associated with raw water intake construction starting April 27, 2020, will be a safety concern for anyone within a 20 foot radius of the work barge. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the construction is being done.

IV. Discussion of the Rule

This rule establishes a safety zone from 7 a.m. on April 27, 2020 until 7 p.m. on May 8, 2020. The safety zone will cover all navigable waters within 20 feet of the work barge being used by personnel for the construction of the raw water intake. Located at mile marker 76.6 on the Monongahela River 220 feet from the opposite bank. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the construction is being done. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Marine Safety Unit Pittsburgh. Persons and vessels seeking entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or by telephone at (412) 221–0807. Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful instructions of the COTP or a designated representative. The COTP or a designated representative will inform the public of the enforcement period for the safety zone as well as any changes in the schedule through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on size, duration, and location of the safety zone. This rule will impact a section of the Monongahela River from April 27, 2020 through May 8, 2020.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct

effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit entry within 20 feet of a work barge being used by personnel to construct a raw water intake. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0223 to read as follows:

§ 165.T08–0223 Safety Zone; Monongahela River, mile 76.6 Pittsburgh, PA.

(a) *Location.* The following area is a temporary safety zone: 20 foot radius of the Garney Construction barge, Monongahela River at mile marker 76.6.

(b) *Effective period.* This rule is effective from April 27, 2020 through May 8, 2020.

(c) *Enforcement period.* This section will be enforced at all times. The Captain of the Port Marine Safety Unit Pittsburgh (COTP) or a designated representative will provide notice of breaks as appropriate under paragraph (e) of this section.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into this zone is prohibited unless authorized by the Captain of the Port Marine Safety Unit Pittsburgh (COTP) or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Marine Safety Unit Pittsburgh.

(2) Persons and vessels seeking entry into this safety zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM Channel 16 or by telephone at (412) 221–0807.

(3) Persons and vessels permitted to enter this safety zone must transit at their slowest safe speed and comply with all lawful instructions of the COTP or a designated representative.

(e) *Informational broadcasts.* The COTP or a designated representative will inform the public of the enforcement period for the safety zone as well as any changes in the schedule through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

Dated: April 23, 2020.

A.W. Demo,

Commander, U.S. Coast Guard, Captain of the Port Marine Safety Unit Pittsburgh.

[FR Doc. 2020–08975 Filed 5–1–20; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2018–0705; FRL–10007–85–Region 6]

Air Plan Approval; New Mexico; Interstate Transport Requirements for the 2008 Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Clean Air Act, (CAA or Act), the Environmental Protection Agency (EPA) is approving State Implementations Plan (SIP) revisions submitted by the State of New Mexico and the City of Albuquerque-Bernalillo County that address interstate transport for the 2008 ozone National Ambient Air Quality Standards (NAAQS). The EPA is approving the submissions as meeting the requirement that the New Mexico SIP contain adequate provisions to prohibit emissions which will significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone NAAQS in other states.

DATES: This rule is effective on June 3, 2020.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2018–0705. All documents in the docket are listed on the *https://www.regulations.gov* website. While all documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Sherry Fuerst, EPA Region 6 Office, Infrastructure and Ozone Section, 214–665–6454, *fuerst.sherry@epa.gov.* Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office will be closed to the public to

reduce the risk of transmitting COVID–19.

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

I. Background

The background for this action is discussed in detail in EPA's December 3, 2019 proposal (84 FR 66098). In that document, we proposed approval of SIP revisions that address the interstate transport of air pollution requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS. The SIP revisions were submitted by the state of New Mexico and the City of Albuquerque-Bernalillo County on October 10, 2018 and October 4, 2018, respectively. In today's action, we are approving the transport SIP for the 2008 ozone NAAQS.

II. Response to Comments

We received one comment on the proposed rulemaking. The full text of the comment is available for review in the docket for this rulemaking. The comment was submitted by the Sierra Club (on behalf of itself and the Center for Biological Diversity). To best address the comment, we have broken the comment down into two parts (Comment 1 and Comment 2). We have responded to both parts of the comment below and provided a more detailed response in the Response to Comment Technical Support Document included in our docket.

Comment #1: The commenters assert that oil and gas emissions in New Mexico are not fairly represented in EPA modeling and therefore both air quality at downwind receptors and the impact of New Mexico's contribution to projected nonattainment and maintenance areas in other states are underestimated. The commenter points to increased production particularly in the Permian Basin as evidence that EPA's emissions estimates are too low.

Response #1: EPA disagrees with the claims made by the commenters that the oil and gas exploration and production sector (Oil and Gas E&P) emissions in New Mexico are not adequately represented in EPA modeling. EPA and states go to great lengths to ensure that emission inventories and emission projections are of the highest quality. The efforts to provide for quality assurance, quality control and public input for the emission inventories that were utilized in the modeling for these SIP revisions are described in detail in the Response to Comments Technical Support Document for this action. Our review of the total 2017 projected Oil and Gas E&P emissions utilized in the 2017 Future Year modeling, more recent Oil and Gas E&P emissions projections, and the 2014 National Emission Inventory (NEI) of Oil and Gas E&P emissions in New Mexico indicate that the 2017 projected emissions used in the 2017 Future Year modeling were overstated rather than understated as characterized by the reviewer. This overestimation of the projected emissions inventory could have also resulted in an overestimation by the air quality model of the downwind impact of emissions from New Mexico's Oil and Gas E&P to other states in the 2017 Future Year modeling. Thus, contrary to the commenters' concern, EPA's estimate of New Mexico's 2017 modeled impacts on other states is likely conservative and supports EPA's conclusion that impacts from emissions originating in New Mexico on other states are below 0.75 parts per billion (ppb) in 2019–2020.

EPA agrees that there has been increase in Oil and Gas E&P activity in New Mexico since 2011. Emissions associated with the sector, however, do not have a linear relationship with exploration and production related activities. As Oil and Gas E&P have grown in New Mexico, there have been, and continue to be, simultaneous improvements in emission reduction technology and new regulatory control requirements. These two competing factors were considered in emissions projection used in EPA's 2017 and 2023 modeling pertaining to interstate transport. Selected source categories reflect reductions in volatile organic compounds (VOCs) and nitrogen oxides (NO_X) that occur at reciprocating internal combustion engines (RICE) due to controls from both the National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS). The upgrades in emissions technology necessary to comply with these rules generally bring co-benefits of reductions in VOCs and NO_X emissions. The areas in New Mexico which experienced a growth in the Oil and Gas E&P such as the Permian Basin tend to use newer equipment that meets the lower RICE NESHAP and RICE NSPS requirements. Other NO_X emitters in Oil and Gas E&P are also subject to regulations and emission control technologies which are being installed over time. *See* Response to Comment Technical Support Document for this action for further explanation.

Projection of emissions is a stepwise process starting with a base year emissions level, followed by application of factors for retirement, growth and controls. EPA developed the 2017 emission projections of Oil and Gas E&P based on information available in 2014–2015. The emission projection from 2011 to 2017 used in the modeling for the SIP revision shows that if the emissions were not subject to controls, the emissions from Oil and Gas E&P in New Mexico would have increased 28.5%. However, emission control technologies implemented between 2011 and 2017 reduced projected 2017 emissions by 21.4%. As a result, the net projected NO_X emission rate from Oil and Gas E&P for 2017 increased only 7.1% despite the activity growth in the sector.

A stepwise emission projections process was also completed in 2016–2017 when developing the 2023 modeling emissions for Oil and Gas E&P inventory. Like when developing the 2017 emission projections, EPA used the most recent data in development of the 2023 modeling emission inventory, therefore there were differences in growth projections between the 2017 model inventory and 2023 model emission inventories, (like updated growth projections for 2023 model emission inventory). The emission projection from 2011 to 2023 used in EPA's modeling shows that if the emissions were not subject to controls, the emissions from Oil and Gas E&P operations in New Mexico would have increased 27.8%. However, closures in New Mexico Oil and Gas E&P reduced the 2023 projected emissions increase by 2.8%. Emission control technologies implemented between 2011 and 2023 also reduced projected 2023 emissions by 23.2%. As a result, the net projected New Mexico Oil and Gas E&P NO_X emissions for 2023 were projected to increase only 1.8% (27.8%–2.8%–23.2%) from 2011 emission levels despite the projected activity growth in the sector.

EPA used appropriate techniques and the most recently available data to estimate both base and projection year inventories for the Oil and Gas E&P sector in the 2017 and 2023 modeling. This supports the conclusion that it is appropriate to rely on EPA's assessment of the 2017 and 2023 modeling to conclude that New Mexico's impact on all identified downwind receptors is below the 1 percent threshold of 0.75 ppb in 2019–2020 and therefore that New Mexico will not significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone NAAQS in other states. A complete discussion of our evaluation is included in the Response to Comment Technical Support Document, which can be found in the docket for this action.

Comment #2: The commenters state that they have not reviewed other inventory contributions but that the 2017 and 2023 emission projections from 2011 for other source categories (non-Oil and Gas E&P emissions) are likely not correct. The commenters then state that EPA should update its inventory using 2017 actual emissions data and use 2017 actuals to project 2023 air quality, including a potential range of emissions scenarios for 2023.

Response #2: EPA disagrees with the commenters' claim that the 2017 and 2023 future year emission projections for other source categories are also incorrect. The commenters have not provided a reason to doubt the accuracy of the inventories and projections for these other sectors, nor have they provided information to support the claim. Therefore, EPA continues to believe that the methodologies used by EPA to calculate 2017 and 2023 future year projections are appropriate. For further explanation on how these inventories and projections are assessed, please see the more detailed response for Comment #1 in the Response to Comment Technical Support Document, which can be found in the docket for this action.

In response to the commenters' suggestion that EPA should update its 2017 inventory with actual emissions, and include a range of emissions projections for 2023, EPA again disagrees. The 2017 NEI emissions for non-point Oil and Gas E&P emission sources were not yet available at the time EPA conducted the 2023 modeling, but nonetheless the commenter has not indicated how or whether the use of the 2017 data would be likely to change EPA's assessment of New Mexico's impact on downwind receptors.

We do note, as explained in further detail below, it is also not reasonable to redo projections to 2023 and remodel impacts as part of the review of the New Mexico SIP. Redevelopment of emission inventories and performing photochemical grid modeling with source apportionment would take at least one to two years and significant resources. Such an effort is not a reasonable expectation without any indication that the use of 2017 data in its modeling is likely to lead to a different conclusion with respect to New Mexico's SIP. New Mexico utilized recent EPA modeling in developing its SIP submittals and we utilized even more recent analyses that were released in 2017 and 2018 to support our proposed approval action. As discussed above we used the most recent EIA AEO data at the time the emission inventories were generated. The commenter has not provided any information to support its conclusion that EPA would need to perform new modeling to support its approval of New Mexico's SIP, nor have the commenters provided any such updated modeling data. Therefore, EPA continues to believe that its analysis of the available data indicates that New Mexico will not significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone NAAQS in other states.

III. Final Action

We are (1) determining that New Mexico and the City of Albuquerque-Bernalillo County have met their obligation under CAA section 110(a)(2)(D)(i)(I) because New Mexico will not significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone NAAQS in any other state and (2) approving the October 10, 2018 New Mexico and October 4, 2018 City of Albuquerque-Bernalillo County SIP revisions for the 2008 ozone NAAQS interstate transport requirements of CAA 110(a)(2)(D)(i)(I).

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 6, 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 oxides, Ozone.

Dated: April 16, 2020.

Kenley McQueen,

Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart GG—New Mexico

■ 2. In § 52.1620, the table in paragraph (e) entitled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the New Mexico SIP'' is amended by adding an entry at the end of the table for ''Interstate Transport for the 2008 Ozone NAAQS'' to read as follows:

§ 52.1620 Identification of plan

* * * * *

(e) * * *

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

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
*	*	*	*	*
Interstate Transport for the 2008 ozone NAAQS.	Statewide	10/10/2018 10/4/2018	5/4/2020, [Insert **Federal Register** citation].	SIPs adopted by: NMED and City of Albuquerque-Bernalillo County. Addresses CAA section 110(a)(2)(D)(i)(I).

[FR Doc. 2020–08518 Filed 5–1–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MB Docket No. 12–217; FCC 17–120; FRS 16639]

Cable Television Technical and Operational Standards

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection requirements associated with the Cable Television Technical and Operational Standards Report and Order. This document is consistent with the Report and Order, which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the information collection requirements.

DATES: The amendments to 47 CFR 76.105(b) introductory text, 76.601(b)(1), 76.1610(f) and (g), and 76.1804 introductory text, published at 83 FR 7619, February 22, 2018, are effective on May 4, 2020.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Cathy Williams, *Cathy.Williams@fcc.gov,* (202) 418–2918.

SUPPLEMENTARY INFORMATION: This document announces that, on March 31, 2020, OMB approved the information collection requirements contained in the Commission's Report and Order, FCC 17–120, published at 83 FR 7619, February 22, 2018. The OMB Control Numbers are 3060–0289, 3060–0331, 3060–0419 and 3060–1045. The Commission publishes this document as an announcement of the effective date of the information collection requirements.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on March 31, 2020, for the information collection requirements contained in the Commission's rules.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Numbers are 3060–0289, 3060–0331, 3060–0419 and 3060–1045.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–0289.

OMB Approval Date: March 31, 2020.

OMB Expiration Date: March 31, 2023.

Title: Section 76.601, Performance Tests; Section 76.1704, Proof of Performance Test Data; Section 76.1717, Compliance with Technical Standards.

Form Number: N/A.

Respondents: Business or other for-profit entities, and state, local, or tribal government.

Number of Respondents: 4,085 respondents, 6,433 responses.

Estimated Time per Response: 0.5 to 70 hours.

Frequency of Response: Recordkeeping requirement, Semi-annual and Triennial reporting requirements; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 4(i) and 624(e) of the Communications Act of 1934, as amended.

Total Annual Burden: 166,405 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The Commission modified this submission to reflect that the testing required under Section 76.601(b) applies only to cable systems that deliver analog signals, and the cable operator must only test analog channels (see FCC 17–120). We expect that this change will reduce the number of filers associated with this information collection.

OMB Control Number: 3060–0331.

OMB Approval Date: March 31, 2020.

OMB Expiration Date: March 31, 2023.

Title: Aeronautical Frequency Notification, FCC Form 321.

Form Number: FCC Form 321.

Respondents: Business and other for-profit entities; not-for-profit institutions.

Number of Respondents: 1,886 respondents, 1,886 responses.

Estimated Time per Response: 0.67 hours.

Frequency of Response: One time and on occasion reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i), 301, 303, 308, 309 and 621 of the Communications Act of 1934, as amended.

Total Annual Burden: 1,264 hours.

Total Annual Cost: $132,020.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: Multichannel Video Programming Distributors (MVPDs) provide their programming over a closed system and, thus, may use all frequencies to do so. They must, however, prevent leakage of those signals from the system and guard against and minimize any harm to aeronautical communications should leak occur. Part of the regime for protecting aeronautical frequencies from interference and resolving interference is notification of the Commission of use of those frequencies and that proper frequency offsets and other precautions are taken. Form 321 is used for this purpose.

The Commission modified this submission to reflect that the Commission adopted a rule, 47 CFR 76.1804, which a new trigger for filing FCC Form 321 (see FCC 17–120, adopted on September 22, 2017). Under 47 CFR 76.1804, an MVPD shall notify the Commission before transmitting any digital signal with average power exceeding 10^{-5} watts across a 30 kHz bandwidth in a 2.5 millisecond time period, or for other signal types, any carrier of other signal component with an average power level across a 25 kHz bandwidth in any 160 microsecond time period equal to or greater than 10^{-4} watts at any point in the cable distribution system on any new frequency or frequencies in the aeronautical radio frequency bands (108–137 MHz, 225–400 MHz). The notification shall be made on FCC Form 321.

OMB Control Number: 3060–0419.

OMB Approval Date: March 31, 2020.

OMB Expiration Date: March 31, 2023.

Title: Network Non-duplication Protection and Syndication Exclusivity: Sections 76.94, Notification; 76.95, Exceptions; 76.105, Notifications; 76.106, Exceptions; 76.107, Exclusivity Contracts; and 76.1609, Non-Duplication and Syndicated Exclusivity.

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents: 5,980 respondents; 249,880 responses.

Estimated Time per Response: 0.5 to 2 hours.

Frequency of Response: On occasion reporting requirement; One-time reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this Information collection is contained in Section 4(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 233,420 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: This information collection was revised to receive approval for a minor revision to 47 CFR 76.105(b), which requires broadcasters entering into contracts that contain syndicated exclusivity protection to notify affected cable systems within 60 calendar days of the signing of such a contract. The revision to 47 CFR 76.105(b) removes outdated language about contracts entered into before August 18, 1988 (see FCC 17–120).

OMB Control Number: 3060–1045.

OMB Approval Date: March 31, 2020.

OMB Expiration Date: March 31, 2023.

Title: Section 76.1610, Change of Operational Information; FCC Form 324, Operator, Mail Address, and Operational Status Changes.

Form Number: FCC Form 324.

Respondents: Business or other for-profit entities; not-for-profit institutions.

Number of Respondents: 325 respondents; 325 responses.

Estimated Time per Response: 0.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 154(i), 303, 308, 309 and 621 of the Communications Act of 1934, as amended.

Total Annual Burden: 163 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The information collection requirements contained in 47 CFR 76.1610 require that operators shall inform the Commission on FCC Form 324 whenever there is a change of cable television system operator; change of legal name, change of the operator's mailing address or FCC Registration Number (FRN); or change in the operational status of a cable television system. Notification must be done within 30 days from the date the change occurs and must include the following information, as appropriate: (a) The legal name of the operator and whether the operator is an individual, private association, partnership, corporation, or government entity. See Section 76.5(cc). If the operator is a partnership, the legal name of the partner responsible for communications with the Commission shall be supplied; (b) The assumed name (if any) used for doing business in each community; (c) The physical address, including zip code, and email address, if applicable, to which all communications are to be directed; (d) The nature of the operational status change (*e.g.,* operation terminated, merged with another system, inactive, deleted, etc.); (e) The names and FCC identifiers (*e.g.,* CA 0001) of the system communities affected.

The Commission removed 47 CFR 76.1610(f) and (g) from its rules to remove duplication from that rule section (see FCC 17–120, adopted on September 22, 2017).

Federal Communications Commission.

Cecilia Sigmund,

Federal Register Liaison Officer.

[FR Doc. 2020–07583 Filed 5–1–20; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 180117042–8884–02; RTID 0648–XA094]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason Angling category retention limit adjustment.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (BFT) daily retention limit that applies to vessels permitted in the Highly Migratory Species (HMS) Angling category and the HMS Charter/Headboat category (when fishing recreationally for BFT) should be adjusted for the remainder of 2020, based on consideration of the regulatory determination criteria regarding inseason adjustments. NMFS is adjusting the Angling category BFT daily retention limit from the default of one school, large school, or small medium BFT to two school BFT and one large school/small medium BFT per vessel per day/trip for private vessels with HMS Angling category permits; to three school BFT and one large school/small medium BFT per vessel per day/trip for charter boat vessels with HMS Charter/Headboat permits when fishing recreationally; and to six school BFT and two large school/small medium BFT per vessel per day/trip for headboat vessels with HMS Charter/Headboat permits when fishing recreationally. These retention limits are effective in all areas, except for the Gulf of Mexico, where NMFS prohibits targeted fishing for BFT.

DATES: Effective May 2, 2020 through December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, 978–281–9260, Larry Redd, 301–427–8503, or Nicholas Velseboer, 978–675–2168.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in Amendment 7 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (Amendment 7) (79 FR 71510, December 2, 2014), and in accordance with implementing regulations. NMFS is required under ATCA and the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota.

As a method for limiting fishing mortality on juvenile BFT, ICCAT recommends a tolerance limit on the annual harvest of BFT measuring less than 115 centimeters (cm) (45.3 inches) (straight fork length) to no more than 10 percent by weight of a Contracting Party's total BFT quota. Any overharvest of such tolerance limit from one year must be subtracted from the tolerance limit applicable in the next year or the year after that. NMFS implements this provision by limiting the harvest of school BFT (measuring 27 to less than 47 inches curved fork length) as appropriate to not exceed the 10-percent limit (127.3 mt) annually.

In 2018, NMFS implemented a final rule that established the U.S. BFT quota and subquotas consistent with ICCAT Recommendation 17–06 (83 FR 53191, October 11, 2018). The currently codified baseline U.S. quota is 1,247.86 metric tons (mt) (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area). See § 635.27(a). The currently codified Angling category quota is 232.4 mt (127.3 mt for school BFT, 99.8 mt for large school/small medium BFT, and 5.3 mt for large medium/giant BFT).

The Angling category season opened January 1, 2020, and continues through December 31, 2020. The size classes of BFT are summarized in Table 1. Please note that large school and small medium BFT traditionally have been managed as one size class, as described below, *i.e.,* a limit of one large school/small medium BFT (measuring 47 to less than 73 inches). Currently, the default Angling category daily retention limit of one school, large school, or small medium BFT applies (§ 635.23(b)(2)). This retention limit applies to HMS Angling and to HMS Charter/Headboat category permitted vessels (when fishing recreationally for BFT).

As defined at § 600.10, ''charter boat'' means a vessel less than 100 gross tons (90.8 mt) that meets the requirements of the U.S. Coast Guard to carry six or fewer passengers for hire (*i.e.,* uninspected) and ''headboat'' means a vessel that holds a valid Certificate of Inspection issued by the U.S. Coast Guard to carry passengers for hire (*i.e.,* greater than six).

TABLE 1—BFT SIZE CLASSES

Size class	Curved fork length
School	27 to less than 47 inches (68.5 to less than 119 cm).
Large school	47 to less than 59 inches (119 to less than 150 cm).
Small medium	59 to less than 73 inches (150 to less than 185 cm).
Large medium	73 to less than 81 inches (185 to less than 206 cm).
Giant	81 inches or greater (206 cm or greater).

Table 2 summarizes the recreational quota, subquotas, landings, and retention limit information for 2018 and 2019, by size class.

TABLE 2—ANGLING CATEGORY QUOTAS (mt), ESTIMATED LANDINGS (mt), AND DAILY RETENTION LIMITS, 2018–2019

Size class	2018			2019		
	Subquotas and total quota (mt)	Subquotas and total quota (mt)	Subquotas and total quota (mt)	Subquotas and total quota (mt)	Landings (mt)	Amount of subquotas and total quota used
School	127.3	55.8	44%	127.3	71	56%
Large School/Small Medium	99.8	45.5	46%	99.8	95	95%
Trophy: Large Medium/Giant	5.3	11.3	213%	5.3	15.8	298%
Total	232.4	112.6	48%	232.4	181.8	78%
Daily Retention Limits (per Vessel)	*January 1 through April 25:* 1 school, large school, or small medium (default)			*January 1 through May 10:* 1 school, large school, or small medium (default)		

TABLE 2—ANGLING CATEGORY QUOTAS (mt), ESTIMATED LANDINGS (mt), AND DAILY RETENTION LIMITS, 2018–2019—Continued

Size class	2018			2019		
	Subquotas and total quota (mt)	Subquotas and total quota (mt)	Subquotas and total quota (mt)	Subquotas and total quota (mt)	Landings (mt)	Amount of subquotas and total quota used
	April 26 through December 31: (83 FR 18230, April 26, 2018) *Private boats:* 2 school *and* 1 large school/small medium *Charter/Headboats:* 3 school *and* 1 large school/small medium			*May 11 through December 31:* (84 FR 20296, May 9, 2010) *Private boats:* 2 school *and* 1 large school/small medium *Charter boats:* 3 school *and* 1 large school/small medium *Headboats:* 6 school *and* 2 large school/small medium		

Adjustment of Angling Category Daily Retention Limit

Under § 635.23(b)(3), NMFS may increase or decrease the Angling category retention limit for any size class of BFT after considering regulatory determination criteria provided under § 635.27(a)(8). Also under § 635.23(b)(3), recreational retention limits may be adjusted separately for specific vessel type, such as private vessels, headboats, or charter boats.

NMFS has considered all of the relevant determination criteria and their applicability to the change in the Angling category retention limit. The criteria and their application are discussed below.

NMFS considered the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(8)(i)). Biological samples collected from BFT landed by recreational fishermen continue to provide NMFS with valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT would support the collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS considered the catches of the Angling category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made (§ 635.27(a)(8)(ii)). NMFS anticipates that the full 2020 Angling category quota would not be harvested under the default retention limit. As shown in Table 2, Angling category landings in 2018 and 2019 were approximately 48 percent and 78 percent of the 232.4-mt annual Angling category quota, respectively, including landings of 44 percent and 56 percent of the available school BFT quota, respectively.

NMFS also considered the effects of the adjustment on the BFT stock and the effects of the adjustment on accomplishing the objectives of the FMP (§ 635.27(a)(8)(v) and (vi)). These retention limits would be consistent with the quotas established and analyzed in the 2018 BFT quota final rule, which implemented the ICCAT quota consistent with ATCA, and with objectives of the 2006 Consolidated HMS FMP and amendments, and is not expected to negatively impact stock health or to affect the stock in ways not already analyzed in those documents. It is also important that NMFS limit landings to the subquotas both to adhere to the FMP quota allocations and to ensure that landings are as consistent as possible with the pattern of fishing mortality (*e.g.,* fish caught at each age) that was assumed in the latest stock assessment.

Another principal consideration in setting the retention limit is the objective of providing opportunities to harvest the full Angling category quota without exceeding it based on the goals of the 2006 Consolidated HMS FMP and amendments, including to achieve optimum yield on a continuing basis and to optimize the ability of all permit categories to harvest their full BFT quota allocations (related to § 635.27(a)(8)(x)).

The 2019 school BFT landings represent 6 percent of the total U.S. quota for 2019, well under the ICCAT recommended 10-percent limit. Given that the Angling category landings fell short of the available quota and considering the regulatory criteria above, NMFS has determined that the Angling category retention limit applicable to participants on HMS Angling and HMS Charter/Headboat category permitted vessels should be adjusted upwards from the default levels.

NMFS has also concluded that implementation of separate limits for private, charter boat, and headboat vessels is appropriate, recognizing the different nature, socio-economic needs, and recent landings results of the two components of the recreational BFT fishery. For example, charter operators historically have indicated that a multi-fish retention limit is vital to their ability to attract customers. In addition, Large Pelagics Survey estimates indicate that charter/headboat BFT landings averaged 27 percent of recent recreational landings for 2018 through 2019, with the remaining 73 percent landed by private vessels. NMFS has further concluded that a higher limit for headboats (than charter boats) is appropriate, given the limited number of headboats participating in the bluefin tuna fishery.

Given these considerations, for private vessels with HMS Angling category permits, this action adjusts the limit upwards to two school BFT and one large school/small medium BFT per vessel per day/trip (*i.e.,* two BFT measuring 27 to less than 47 inches, and one BFT measuring 47 to less than 73 inches). For charter boat vessels with HMS Charter/Headboat permits, this action adjusts the limit upwards to three school BFT and one large school/small medium BFT per vessel per day/trip when fishing recreationally for BFT (*i.e.,* three BFT measuring 27 to less than 47 inches, and one BFT measuring 47 to less than 73 inches). For headboat vessels with HMS Charter/Headboat permits, this action adjusts the limit upwards to six school BFT and two large school/small medium BFT per vessel per day/trip when fishing recreationally for BFT (*i.e.,* three BFT measuring 27 to less than 47 inches, and one BFT measuring 47 to less than 73 inches). Regardless of the duration of a fishing trip, the daily retention limit applies upon landing. For example, whether a private vessel (fishing under the Angling category retention limit) takes a two-day trip or makes two trips

in one day, the day/trip limit of two school BFT and one large school/small medium BFT applies and may not be exceeded upon landing.

NMFS anticipates that the BFT daily retention limits in this action will result in landings during 2020 that would not exceed the available subquotas. Lower retention limits could result in substantial underharvest of the codified Angling category subquota, and increasing the daily limits further may risk exceeding the available quota, contrary to the objectives of the 2006 Consolidated HMS FMP and amendments. NMFS considered input on recreational limits from the HMS Advisory Panel at its May and September 2019 meetings. NMFS is not setting higher school BFT limits than the adjustments listed in Table 1 due to the potential risk of exceeding the ICCAT tolerance limit on school BFT and other considerations, such as potential effort shifts to BFT fishing as a result of current recreational retention limits for New England groundfish and striped bass.

Monitoring and Reporting

NMFS will continue to monitor the BFT fisheries closely through the mandatory landings and catch reports. HMS Charter/Headboat and Angling category vessel owners are required to report the catch of all BFT retained or discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing *hmspermits.noaa.gov,* using the HMS Catch Reporting app, or calling (888) 872–8862 (Monday through Friday from 8 a.m. until 4:30 p.m.). Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional retention limit adjustments or closures are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas. If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (978) 281–9260, or access *hmspermits.noaa.gov,* for updates on quota monitoring and inseason adjustments.

HMS Angling and HMS Charter/Headboat category permit holders may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. Anglers are also reminded that all BFT that are released must be handled in a manner that will maximize survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the ''Careful Catch and Release'' brochure available at *https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure*.

Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and amendments provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Affording prior notice and opportunity for public comment to implement the daily retention limit for the remainder of 2020 at this time is impracticable. Based on available BFT quotas, fishery performance in recent years, and the availability of BFT on the fishing grounds, immediate adjustment to the Angling category BFT daily retention limit from the default levels is warranted to allow fishermen to take advantage of the availability of fish and of quota. NMFS could not have proposed these actions earlier, as it needed to consider and respond to updated data and information from the 2019 Angling category. If NMFS was to offer a public comment period now, after having appropriately considered that data, it would preclude fishermen from harvesting BFT that are legally available consistent with all of the regulatory criteria, and/or could result in selection of a retention limit inappropriately high or low for the amount of quota available for the period.

Fisheries under the Angling category daily retention limit are currently underway and thus prior notice would be contrary to the public interest. Delays in increasing daily recreational BFT retention limit would adversely affect those HMS Angling and Charter/Headboat category vessels that would otherwise have an opportunity to harvest more than the default retention limit of one school, large school, or small medium BFT per day/trip and may exacerbate the problem of low catch rates and quota rollovers. Analysis of available data shows that adjustment to the BFT daily retention limit from the default level would result in minimal risks of exceeding the ICCAT-allocated quota. NMFS provides notification of retention limit adjustments by publishing the notice in the **Federal Register**, emailing individuals who have subscribed to the Atlantic HMS News electronic newsletter, and updating the information posted on the Atlantic Tunas Information Line and on *hmspermits.noaa.gov*. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For these reasons, there also is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

This action is being taken under § 635.23(b)(3), and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: April 28, 2020.

Hélène M.N. Scalliet,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–09420 Filed 4–29–20; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 85, No. 86
Monday, May 4, 2020

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

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2020–BT–TP–0012]

Energy Conservation Program: Test Procedure for Battery Chargers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information.

SUMMARY: The U.S. Department of Energy (DOE) is initiating a data collection process through this request for information (RFI) to consider whether to amend DOE's test procedure for battery chargers. As part of this request, DOE seeks comment and data on whether there have been changes in product testing methodology or new products on the market since the last test procedure update that may necessitate amending the test procedure for battery chargers. To inform interested parties and to facilitate this process, DOE has also gathered data, identifying several issues described in detail in this document that are associated with the currently applicable test procedures on which DOE is interested in receiving comment. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this request), as well as the submission of data and other relevant information.

DATES: Written comments and information will be accepted on or before June 3, 2020.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2020–BT–TP–0012, by any of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email:* To *Batterychargers2020TP0012@ee.doe.gov.* Include docket number EERE–2020–BT–TP–0012 in the subject line of the message.

3. *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, Suite 600, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (''faxes'') will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *http://www.regulations.gov/docket?D=EERE-2020-BT-TP-0012.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT:

Mr. Jeremy Dommu, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–2J, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–9870. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–8145. Email: *michael.kido@hq.doe.gov.*

For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

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I. Introduction

Battery chargers are included among the consumer products and industrial equipment for which the U.S. Department of Energy (''DOE'') is authorized to establish and amend test procedures and energy conservation standards. (42 U.S.C. 6295(u)) DOE's test procedures for battery chargers are prescribed at title 10 of the Code of Federal Regulations (''CFR'') part 430, subpart B, appendix Y, *Uniform Test Method for Measuring the Energy Consumption of Battery Chargers* (''Appendix Y''). The following sections discuss DOE's authority to establish and amend test procedures for battery chargers, as well as relevant background information regarding DOE's consideration of test procedures for this product.

A. Authority and Background

The Energy Policy and Conservation Act of 1975, as amended (''EPCA''),[1] authorizes, among other things, DOE to regulate the energy efficiency of a

[1] All references to EPCA in this document refer to the statute as amended through America's Water Infrastructure Act of 2018, Public Law 115–270 (October 23, 2018).

number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part B [2] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency. These products include battery chargers, the subject of this Request for Information (''RFI''). (42 U.S.C. 6295(u))

The energy conservation program under EPCA consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6291), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), energy conservation standards (42 U.S.C. 6295), and the authority to require information and reports from manufacturers (42 U.S.C. 6296).

Federal energy efficiency requirements for covered products established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6297) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6297(d))

The Federal testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) Certifying to DOE that their products comply with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6295(s)), and (2) making representations about the efficiency of those consumer products (42 U.S.C. 6293(c)). Similarly, DOE must use these test procedures to determine whether the products comply with relevant standards promulgated under EPCA. (42 U.S.C. 6295(s))

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA requires that any test procedures prescribed or amended under this section be reasonably designed to produce test results which measure energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

In addition, EPCA requires that DOE amend its test procedures for all covered products to integrate measures of standby mode and off mode energy consumption into the overall energy efficiency, energy consumption, or other energy descriptor, taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission (''IEC''), unless the current test procedure already incorporates the standby mode and off mode energy consumption, or if such integration is technically infeasible. (42 U.S.C. 6295(gg)(2)(A)) If an integrated test procedure is technically infeasible, DOE must prescribe separate standby mode and off mode energy use test procedures for the covered product, if a separate test is technically feasible. (*Id.*)

EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered product, including battery chargers, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to not be unduly burdensome to conduct and be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle or period of use. (42 U.S.C. 6293(b)(1)(A)) If the Secretary determines, on his own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the **Federal Register** proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period on a proposed rule to amend a test procedure shall be at least 60 days and may not exceed 270 days. In prescribing or amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved. (42 U.S.C. 6293(b)(2)). If DOE determines that test procedure revisions are not appropriate, DOE must publish its determination not to amend the test procedures. DOE is publishing this RFI to collect data and information to inform its decision in satisfaction of the 7-year review requirement specified in EPCA. (42 U.S.C. 6293(b)(1)(A))

B. Rulemaking History

On December 8, 2006, in response to amendments to EPCA made by the Energy Policy Act of 2005 (Pub. L. 109–58 (August 8, 2005)) DOE published a final rule that prescribed test procedures for a variety of products. 71 FR 71340 (''December 2006 Final Rule''). As part of the December 2006 Final Rule, DOE established definitions and test procedures for battery chargers. *Id.*

On March 27, 2009, DOE published a final rule incorporating standby and off mode measurements into the DOE test procedures for battery chargers. 74 FR 13318, 13334–13336. On June 1, 2011, DOE published a final rule that again amended the test procedures for battery chargers by inserting a new test procedure to measure the energy consumption of battery chargers in active mode to assist in the development of energy conservation standards and amending the battery charger test procedure to decrease the testing time of battery chargers in standby and off modes. 76 FR 31750 (''June 2011 Final Rule'').

DOE again amended the battery charger test procedures in a final rule published on May 20, 2016. 81 FR 31827 (''May 2016 Final Rule''). The May 2016 Final Rule harmonized the battery charger test procedure with the latest version of the IEC 62301 standard by providing specific resolution and measurement tolerances; amended the battery selection criteria for multi-voltage and multi-capacity battery chargers to limit the number of batteries selected for testing to one; defined and excluded backup battery chargers embedded in continuous use devices from being required to be tested under the battery charger test procedure; allowed lead acid batteries to be conditioned prior to testing; added product-specific certification reporting requirements to 10 CFR 429.39(b); and corrected several cross-reference and typographical errors. *Id.*

II. Request for Information

As an initial matter, DOE seeks comment on whether there have been changes in product testing methodology or new products on the market since the last test procedure update that may necessitate amendments to the test procedure for battery chargers. Specifically, DOE seeks data and information pertinent to whether amended test procedures would more accurately or fully comply with the requirement that they be reasonably designed to produce results that measure energy use of battery chargers during a representative average use cycle or period of use and not be unduly burdensome to conduct. DOE also seeks information on whether an existing private-sector developed test procedure

[2] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

would produce such results and should be adopted by DOE rather than DOE establishing its own test procedure, either entirely or by adopting only certain provisions of one or more private-sector developed tests.

In the following sections, DOE has also identified a variety of issues on which it seeks input to aid in the development of the technical and economic analyses regarding whether amended test procedures for battery chargers would more accurately or fully comply with the requirements in EPCA that test procedures: (1) Be reasonably designed to produce test results reflecting energy use during a representative average use cycle or period of use of the covered product at issue, and (2) not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

Further, DOE issued an RFI to seek more information on whether its test procedures are reasonably designed, as required by EPCA, to produce results that measure the energy use or efficiency of a product during a representative average use cycle or period of use. 84 FR 9721 (March 18, 2019). DOE seeks comment on this issue as it pertains to the test procedure for battery chargers.

Additionally, DOE welcomes comments on other issues relevant to the conduct of this process. In particular, DOE notes that under Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' Executive Branch agencies such as DOE are directed to manage the costs associated with the imposition of expenditures required to comply with Federal regulations. *See* 82 FR 9339 (February 3, 2017). Consistent with that Executive Order, DOE encourages the public to provide input on measures DOE could take to lower the cost of its regulations applicable to battery chargers consistent with the requirements of EPCA.

A. Scope and Definitions

1. Battery Chargers

A battery charger is a device that charges batteries for consumer products, including battery chargers embedded in other consumer products. 10 CFR 430.2. (*See also* 42 U.S.C. 6291(32)) Functionally, a battery charger is a power conversion device used to transform input voltage to a suitable voltage for charging batteries used to power consumer products, such as cell phones and digital cameras. As stated in the definition, they may be wholly embedded in another consumer product, wholly separate from another consumer product, or partially embedded in another consumer product.

2. Wireless Battery Chargers

DOE established energy conservation standards for battery chargers in a final rule published on June 13, 2016. 81 FR 38266 (''June 2016 Final Rule''). In the June 2016 Final Rule, DOE stated that regarding battery chargers with inductive connections, only those that are designed to operate in a wet environment are subject to standards. 81 FR 38266, 38282. In making this determination, DOE set standards for the mature technology found in electric toothbrushes, while avoiding unintentional restrictions on the development of newer, less mature inductively-charged products. *Id.*

The marketplace shows trends towards two types of battery chargers that rely on inductive (*i.e.,* wireless) connections: charging mats (for cell phones, smartwatches, etc.) and ''wet environment'' products (*e.g.,* battery chargers for electric toothbrushes, waterjets and shavers). The wet environment products require sealing to prevent moisture ingress and typically use a locating feature, such as a peg, cradle or a dock, to confine the physical engagement of the receiver and the transmitter. This confinement provides relatively consistent placement of the receiver during testing.

Charging mats that provide a wider freedom of receiver placement potentially would allow for less consistency in placement for the purpose of testing. Differences in a receiver's position in relation to the transmitter can affect charging efficiency. DOE is currently unaware of any published industry test methods that specifically address the testing of wireless charging mats.

Issue 1: DOE seeks feedback on whether DOE should define a term that refers to ''wet environment'' installations, and if so, how such terminology should be defined to clearly delineate the scope of wireless battery chargers that are subject to the existing battery test procedure and energy conservation standards.

Issue 2: DOE seeks feedback on possible approaches to testing wireless battery chargers other than those designed for use in a wet environment (*i.e.,* other than using locating features such as a peg or a cradle). In particular, DOE requests information on whether any industry test procedures have been developed or are being developed to specifically address such products.

Issue 3: DOE requests any data on how wireless chargers are used in the field, particularly with regard to the placement of the receiver.

B. Test Procedure

DOE is requesting information and data to update its understanding of consumer use of battery chargers. DOE's current test procedure for battery chargers is codified at Appendix Y and addresses standby mode, off mode and active mode energy use.

1. Battery Chargers Requiring External Low Voltage Power

Some battery chargers are powered by a low-voltage direct current (''DC'') or alternating current (''AC'') input and typically utilize a wall adapter that converts 120 volt (''V'') AC to the low voltage input required by the battery charger. These wall adapters are part of the battery charger system and Section 3.1.4 of Appendix Y requires manufacturers to test with such the wall adapter, provided it is sold or recommended for use with the battery charger being tested. If the unit being tested is designed for operation only on DC input voltage and a wall adapter is neither shipped nor recommended, the unit is tested at 5.0 V DC for products drawing power from a computer USB port or the midpoint of the rated input voltage range for all other products, with the input voltage under both cases remaining within ±1 percent of the above specified voltage. Appendix Y, Section 3.1.4(c).

The measured unit energy consumption of these latter products can be highly dependent on the wall adapter used during testing. Further, the wall adapter selected for testing may not be representative of the wall adapter typically paired with the battery charger in actual use.

Issue 4: DOE seeks information on the characteristics of the wall adapters typically used when testing battery chargers that are not shipped with a wall adapter and for which a wall adapter is not recommended. DOE also seeks detailed technical information and data on the characteristics of the wall adapters typically used in the real world with such battery chargers including, but not limited to, input and output voltages, output wattage, power supply topologies, output connector type and the impact of these on average efficiencies.

Issue 5: Additionally, DOE seeks comment on whether testing such battery chargers using a reference wall adapter would be appropriate, and if so, how a reference wall adapter should be defined.

2. End of Discharge Voltage

The battery charger test procedure requires that prior to performing a charge and maintenance mode test, the battery must be properly discharged at a specified discharge rate until it reaches the appropriate end-of-discharge voltage stipulated in Table 3.3.2 of Appendix Y. Similarly, the energy stored in the battery after the charge and maintenance mode test must also be measured by discharging the battery again until it reaches the same end-of-discharge voltage. Appendix Y, Section 3.3.8. Since the publication of the May 2016 Final Rule, batteries with new chemistries or characteristics not covered by Table 3.3.2 may have been introduced in the marketplace. Requiring that these batteries be tested down to the end-of-discharge voltage prescribed in Table 3.3.2 may be inappropriate or result in a final value for battery energy that is not representative of its real-world application.

Issue 6: DOE requests information on any new battery chemistries not covered by the categories listed in Table 3.3.2 of Appendix Y.

Issue 7: DOE requests information on any aspect of a battery's chemistry that warrants an end-of-discharge voltage different than one already specified in Table 3.2.2 of Appendix Y. For example, if a new battery employs a lithium compound as its electrode (*i.e.,* a lithium-ion or lithium polymer battery) but has an end of discharge voltage that is substantially different from what is prescribed in Table 3.3.2, DOE requests information on the specific characteristics of the battery warranting a different end-of-discharge voltage.

3. Battery Charger Usage Profile

The unit energy consumption (''UEC'') represents the annualized amount of the non-useful energy consumed by a battery charger in all modes of operation. Non-useful energy is all the energy consumed by a battery charger that is not transferred and stored in a battery as a result of charging; *i.e.,* the losses. The UEC equation combines various performance parameters including 24-hour energy, measured battery energy, maintenance mode power, standby mode power, off mode power, charge test duration, and usage profiles. Appendix Y, Section 3.3.13. In order to calculate UEC, Table 3.3.3 of Appendix Y defines usage profiles that represent time spent in each mode of operation, specific to each defined product class. These usage profiles are incorporated into the overall UEC calculation in section 3.3.13 of Appendix Y. Table 3.3.3 includes assigned values for time spent in active and maintenance mode (''$t_{a\&m}$''), standby mode (''t_{sb}''), off mode (''t_{off}''), number of charges per day (''n'') and threshold charge time. The usage profiles are based on data for a variety of applications and that primarily consisted of user surveys, metering studies, and stakeholder input that DOE considered as part of the rulemaking culminating in the June 2016 Final Rule. 81 FR 38287. A detailed breakdown of the usage profile cases used to derive Table 3.3.3 of Appendix Y is addressed in Chapter 7 of the June 2016 Final Rule Technical Support Document (''TSD''). Collectively, the analyzed applications for which DOE has empirical usage data accounted for more than 80 percent of annual aggregate battery charger energy use. Where usage data were lacking, DOE assigned the application a generic usage profile, detailed in section 7.2.2 of the TSD. For most residential applications, DOE based the values in Table 3.3.3 on a single usage profile to represent all users (*i.e.* for other applications that have both residential and commercial usage, DOE developed multiple usage profiles to account for different users). These values can be found in Appendix 7A of the TSD.

Issue 8: DOE requests information on any updates to the consumer usage data as represented by the usage profiles in Table 3.3.3 of Appendix Y, DOE is particularly interested in data specific to end-use device type and battery voltage, if available.

4. Battery Selection

Appendix Y specifies battery selection criteria for testing certain multi-voltage and multi-capacity battery chargers.[3] Appendix Y, Table 3.2.1. These criteria apply to multi-voltage and multi-capacity battery chargers packaged or sold without a battery or packaged and sold with more than one battery. Specifically, Table 3.2.1 specifies that testing is performed using the associated battery with the highest voltage and/or highest capacity, and if multiple batteries exist at the highest capacity and voltage, then the battery that results in the highest maintenance mode power must be used. The battery selection criteria result in only one set of test results, and after application of the sampling plan, a single represented value for each basic model of battery charger.

Some battery chargers (*e.g.,* lead-acid battery chargers) can charge numerous combinations of batteries from third-party vendors, and these battery chargers generally do not have a maximum battery capacity limit because theoretically, multiple batteries can be connected in parallel to a single charger. For these devices, manufacturers must certify their basic model by locating a battery that results in the most consumptive maintenance mode power such that all other combinations of third-party batteries will result in a UEC that is less than the certified value. However, finding the most consumptive combination of charger and battery could require a number of trials.

Issue 9: DOE requests feedback on the current battery selection criteria and whether they require revision, particularly for battery chargers that do not ship with batteries or that can be used with batteries from different manufacturers by the end user. DOE requests information on how manufacturers are currently certifying such products.

Issue 10: DOE also requests feedback on possible alternate approaches to testing battery chargers that do not ship with batteries or that can be used with batteries from different manufacturers. For example, one question under consideration, among others, is whether it would it be appropriate to test a battery charger with a reference load exhibiting the same characteristics as the battery designed to work with the charger. If this approach is appropriate, DOE also seeks feedback on how to model different battery chemistries using such a reference load.

C. Other Test Procedure Topics

1. Test Procedure Waivers

Any interested person may seek a waiver from the test procedure requirements for a particular basic model of a type of covered product when the basic model for which the petition for waiver is submitted contains one or more design characteristics that: (1) Prevent testing according to the prescribed test procedure, or (2) cause the prescribed test procedures to evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 430.27(a)(1).

DOE has granted a waiver from the DOE test procedure for battery chargers,

[3] A ''multi-voltage charger'' is a battery charger that, by design, can charge a variety of batteries (or batches of batteries, if also a batch charger) that are of different nameplate battery voltages. A multi-voltage charger can also be a multi-port charger if it can charge two or more batteries simultaneously with independent voltages and/or current regulation. Appendix Y, Section 2.18. A battery charger is considered ''multi-capacity'' if there are associated batteries or configurations of batteries that have different nameplate battery charge capacities. Appendix Y, Section 3.2.3(c)(2).

and an extension of that waiver, for specified battery charger basic models incorporated into robotic vacuum cleaners.[4] As described in the petition for waiver, the battery charger basic models subject to the Order granting the waiver have a number of settings and management features associated with the vacuum cleaner, not associated with the battery charging function, that must remain at all times. The Petitioner explained that it would be inappropriate to make these functions user-controllable, as they are integral to the function of the robot. 82 FR 16580, 16581 (April 5, 2017). The DOE test procedure for battery chargers requires that any function controlled by the user and not associated with the battery charging process must be switched off or, for functions not possible to switch off, be set to the lowest power-consuming mode. Appendix Y, Section 3.2.4.b. DOE determined that the current test procedure at Appendix Y would evaluate the battery charger basic models specified in the Order granting the waiver and the Order granting the extension in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparatively data. *See id. and* 84 FR 12240, 12241 (April 1, 2019). Pursuant to the Orders, the specified basic models must be tested and rated such that power to functions not associated with the battery charging process are disabled by isolating a terminal of the battery pack using isolating tape. *Id.*

Issue 11: DOE requests feedback on whether the test procedure waiver approach for battery chargers incorporated into robotic vacuum cleaners is generally appropriate for testing basic models with these features.

2. Other Topics

In addition to the issues identified earlier in this document, DOE welcomes comment on any other aspect of the existing test procedures for battery chargers. As noted, DOE recently issued an RFI to seek more information on whether its test procedures are reasonably designed, as required by EPCA, to produce results that measure the energy use or efficiency of a product during a representative average use cycle or period of use. 84 FR 9721 (March 18, 2019). DOE seeks comment on this issue as it pertains to the test procedure for battery chargers.

DOE also requests comments on whether potential amendments based on the issues discussed would result in a test procedure that is unduly burdensome to conduct, particularly in light of any new products entering the market since the last test procedure update. If commenters believe that any such potential amendments, if adopted, would result in a procedure that is, in fact, unduly burdensome to conduct, DOE seeks information on whether an existing private sector-developed test procedure would be more appropriate. DOE also requests comment on the benefits and burdens of adopting any industry/voluntary consensus-based or other appropriate test procedure, without modification. DOE incorporated IEC standard 62301, which includes additional instructions for measuring of standby power as well as resolution parameters for test equipment.

Additionally, DOE requests comment on whether the existing test procedures limit a manufacturer's ability to provide additional features to consumers on battery chargers. DOE particularly seeks information on how the test procedures could be amended to reduce the cost of new or additional features and make it more likely that such features are included on battery chargers, while still meeting the requirements of EPCA.

DOE also requests comments on any potential amendments to the existing test procedures that would address impacts on manufacturers, including small businesses.

Finally, DOE published an RFI on the emerging smart technology appliance and equipment market. 83 FR 46886 (September 17, 2018). In that RFI, DOE sought information to better understand market trends and issues in the emerging market for appliances and commercial equipment that incorporate smart technology. DOE's intent in issuing the RFI was to ensure that DOE did not inadvertently impede such innovation in fulfilling its statutory obligations in setting efficiency standards for covered products and equipment. DOE seeks comments, data and information on the issues presented in the RFI as they may be applicable to battery chargers.

III. Submission of Comments

DOE invites all interested parties to submit in writing by June 3, 2020, comments and information on matters addressed in this document and on other matters relevant to DOE's consideration of amended test procedures for battery chargers. These comments and information will aid in the development of a test procedure NOPR for battery chargers if DOE determines that amended test procedures may be appropriate for these products.

Submitting comments via http://www.regulations.gov. The *http://www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI'')). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail. Comments and documents submitted via email, hand delivery/courier, or

[4] Decision and Order Granting a Waiver to Dyson, Inc. From the Department of Energy Battery Charger Test Procedure (Case No. BC–001) and Extension of Waiver Dyson, Inc. From the Department of Energy Battery Charger Test Procedure (Case No. 2018–012). *See* 82 FR 16580 (April 5, 2017) *and* 84 FR 12240 (April 1, 2019), respectively.

postal mail also will be posted to *http://www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign Form Letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing test procedures and energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of this process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this process should contact Appliance and Equipment Standards Program staff at (202) 287–1445 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

Signing Authority

This document of the Department of Energy was signed on April 2, 2020, by Alexander N. Fitzsimmons, Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 22, 2020.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2020–08852 Filed 5–1–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0548; Product Identifier 2017–NM–184–AD]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing a notice of proposed rulemaking (NPRM) that published in the **Federal Register** on June 22, 2018, regarding an unsafe condition with certain Bombardier, Inc. Model DHC–8–400 series airplanes. Since issuance of the NPRM, the FAA determined that additional actions are necessary to address the unsafe condition and that the applicability should be expanded to include additional airplane serial numbers. Accordingly, the NPRM is withdrawn.

DATES: As of May 4, 2020, the proposed rule, which was published in the **Federal Register** on June 22, 2018 (83 FR 29059), is withdrawn.

ADDRESSES:

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0548; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD action, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Joseph Catanzaro, Aerospace Engineer, Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7366; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued an NPRM that proposed to amend 14 CFR part 39 by adding an AD that would have applied to the specified products. The NPRM was published in the **Federal Register** on June 22, 2018 (83 FR 29059). The NPRM would have required, depending on airplane configuration: Increasing the hole size in the collector tank partition wall, inspecting the motive flow line for damage, and replacing the associated grommet and motive flow line; replacing the affected single nut plate brackets and standoffs at the affected stations on the motive flow line and pressure relief line; and inspecting the motive flow line and vent line at certain wing stations, and inspecting the fuel tubes, to verify that an appropriate clearance has been maintained between the fuel tubes and their support brackets, and applicable corrective actions. The NPRM was prompted by a report of broken P-clamps on the

pressure relief line and the motive flow line in the left and right fuel tanks, and fouling conditions between the motive flow line and the collector tank partition wall in both fuel tanks. The NPRM proposed to correct an unsafe condition for the specified products.

Actions Since the NPRM Was Issued

Since issuance of the NPRM, the FAA has determined that additional information was needed in the service information regarding the relocation of certain Teflon™ sleeves and that inaccurate production and maintenance manual instructions could have caused Teflon™ sleeves to be incorrectly installed on the vent line. The incorrect installation of Teflon ™ sleeves could lead to arcing between the vent line and airplane structure, resulting in possible fuel tank ignition, in the event of a lightning strike. In light of this information, the FAA is considering further rulemaking.

In addition, Bombardier revised Service Bulletin 84–28–19 and issued additional service information to provide instructions regarding the proper installation of Teflon™ sleeves on the vent line by providing electrical isolation to preclude the risk of lightning strike-induced fuel tank ignition, and installation of Teflon™ sleeves on the vent line at additional wing stations. The FAA has also determined that the applicability should be expanded to include additional airplane serial numbers. Furthermore, the FAA has determined that to adequately address the unsafe condition, the airworthiness limitations should be revised and that the use of certain maintenance procedures should be prohibited.

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

Explanation of Change to Manufacturer's Name Specified in the NPRM

The FAA has revised references to the manufacturer's name specified in the NPRM to identify the manufacturer name as published in the most recent type certificate data sheet for the affected models.

FAA's Conclusion

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

Regulatory Findings

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

List of Subjects in 14 CFR Part 39

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

The Withdrawal

■ Accordingly, the notice of proposed rulemaking, Docket No. FAA–2018–0548, which was published in the **Federal Register** on June 22, 2018 (83 FR 29059), is withdrawn.

Issued on April 23, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–09113 Filed 5–1–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0394; Project Identifier AD–2019–00141–E]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Honeywell International Inc. ALF502L, ALF502L–2, ALF502L–2A, ALF502L–2C, ALF502L–3, ALF502R–3, ALF502R–3A, ALF502R–4, ALF502R–5, ALF502R–6, LF507–1F, and LF507–1H model turbofan engines. This proposed AD was prompted by a report of an engine experiencing an uncontained release of low-pressure turbine (LPT) blades. This proposed AD would require initial and repetitive visual inspections of the overspeed fuel solenoid valve assembly and the fuel filter outlet. Depending on the results of these inspections, the AD may require inspection of the adjacent fuel system tube assemblies as well as replacement or overhaul of the overspeed fuel solenoid valve assembly. This proposed AD would also require periodic overhaul of the overspeed fuel solenoid valve assembly. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by June 18, 2020.

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

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

For service information identified in this NPRM, contact Honeywell International Inc., 111 S 34th Street, Phoenix, Arizona 85034–2802, United States; phone: 800–601–3099; website: *https://aerospace.honeywell.com/en#/.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0394; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, 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: Mark Matzke, Aerospace Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5312; fax: 562–627–5210; email: *mark.matzke@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0394; Project Identifier AD–2019–00141–E'' at the beginning of your comments. The FAA

specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Mark Matzke, Aerospace Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712–4137. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

The FAA received a report of an engine experiencing an uncontained release of the LPT blades. Subsequent analysis by the manufacturer determined that fuel system coking and/or contamination may slow the response time and operation of the overspeed fuel solenoid valve assembly resulting in the failure to arrest an engine overspeed. As a result, engine overspeed may lead to uncontained release of the LPT blades. This condition, if not addressed, could result in uncontained LPT blade release, damage to the engine, and loss of the aircraft.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Honeywell Alert Service Bulletin (ASB) ALF/LF–72–1120, Revision 1, dated January 6, 2020. The ASB describes procedures for a one-time inspection of the overspeed fuel solenoid valve assembly, fuel tube, and dual heater oil cooler.

The FAA reviewed Honeywell Temporary Revision (TR) No. 72–1022, dated October 14, 2019, to Honeywell Engine Manual Report No. 286.1, Revision 27, dated August 27, 2004. The TR describes procedures for repetitive overhaul of overspeed fuel solenoid valve assemblies installed on Honeywell ALF502R model engines.

The FAA reviewed Honeywell TR No. 72–202, dated October 10, 2019, to Honeywell Engine Manual Report No. 507F.1, Revision 6, dated August 16, 2013. The TR describes procedures for repetitive overhaul of overspeed fuel solenoid valve assemblies installed on Honeywell LF507–1F model engines.

The FAA reviewed Honeywell TR No. 72–177, dated October 10, 2019, to Honeywell Engine Manual Report No. 507H.1, Revision 5, dated September 30, 1999. The TR describes procedures for repetitive overhaul of overspeed fuel solenoid valve assemblies installed on Honeywell LF507–1H model engines.

The FAA reviewed Honeywell TR No. 72–57, dated October 29, 2019, to Honeywell Overhaul Manual 72–07–07, Revision 1, dated January 31, 2001. The TR describes procedures for repetitive overhaul of overspeed fuel solenoid valve assemblies installed on Honeywell ALF502L model engines.

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

Other Related Service Information

The FAA reviewed Wright Components, Inc, Component Maintenance Manual (CMM) 73–19–01, Initial Revision, dated July 30, 1982. The CMM describes procedures for overhauling three-way two-position solenoid operated fuel valves, part number 2–303–175–01.

The FAA reviewed Honeywell Service Bulletin (SB) ALF502–72–0001, Revision 24, dated October 29, 2019. The SB describes procedures for repetitive visual inspections of overspeed fuel solenoid valve assemblies installed on Honeywell ALF502R model engines.

The FAA reviewed Honeywell SB LF507–1F–72–1, Revision 10, dated October 29, 2019. The SB describes procedures for repetitive visual inspections of overspeed fuel solenoid valve assemblies installed on Honeywell LF507–1F model engines.

The FAA reviewed Honeywell SB LF507–1H–72–1, Revision 9, dated October 18, 2019. The SB describes procedures for repetitive visual inspections of overspeed fuel solenoid valve assemblies installed on Honeywell LF507–1H model engines.

The FAA reviewed Honeywell SB ALF502–72–0005, Revision 17, dated October 29, 2019. The SB describes procedures for repetitive visual inspections of overspeed fuel solenoid valve assemblies installed on Honeywell ALF502L model engines.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require initial and repetitive visual inspections of the overspeed fuel solenoid valve assembly and the fuel filter outlet. Depending on the results of the inspection, this AD may require inspection of the adjacent fuel system tube assemblies as well as replacement or overhaul of the overspeed fuel solenoid valve assembly. This proposed AD would also require periodic overhaul of the overspeed fuel solenoid valve assembly.

Differences Between This Proposed AD and the Service Information

Honeywell ASB ALF/LF–72–1120, Revision 1, dated January 6, 2020, uses the term ''flights'' and recommends installing the improved clamping of the overspeed fuel solenoid valve assembly to the in-line fuel filter housing assembly introduced in AlliedSignal Aerospace SB ALF502 73–0131, Revision 3, dated September 8, 1995, prior to re-installation. This proposed AD uses ''engine cycles'' and does not require installing the improved clamping of the overspeed fuel solenoid valve assembly to the in-line fuel filter housing assembly as this is not related to the unsafe condition of this proposed AD.

Costs of Compliance

The FAA estimates that this proposed AD affects 210 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Visual inspection of the fuel solenoid valve, fuel filter outlet, and adjacent fuel system tube assemblies.	2 work-hours × $85 per hour = $170	$0	$170	$35,700
Overhaul of overspeed fuel solenoid valve assembly.	0.25 work-hours × $85 per hour = $21.25	7,700	7,721.25	1,621,462.50

The FAA estimates the following costs to do any necessary overhauls or 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 overhauls or replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Removal, Inspection, and Cleaning of the engine fuel tube assemblies.	2 work-hours × $85 per hour = $170	$0	$170
Replacement or overhaul of overspeed fuel solenoid valve assembly.	0.25 work-hours × $85 per hour = $21.25	7,700	7,721.25

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Honeywell International Inc.: Docket No. FAA–2020–0394; Project Identifier AD–2019–00141–E.

(a) Comments Due Date

We must receive comments by June 18, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Honeywell International Inc. ALF502L, ALF502L–2, ALF502L–2A, ALF502L–2C, ALF502L–3, ALF502R–3, ALF502R–3A, ALF502R–4, ALF502R–5, ALF502R–6, LF507–1F, and LF507–1H model turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7200, Engine (Turbine/Turboprop); 7300, Engine Fuel and Control; and 7620, Engine Emergency Shutdown System.

(e) Unsafe Condition

This AD was prompted by a report of an engine experiencing an uncontained release of low-pressure turbine (LPT) blades. The FAA is issuing this AD to prevent failure of the LPT blades. The unsafe condition, if not addressed, could result in uncontained LPT blade release, damage to the engine, and loss of the aircraft.

(f) Compliance

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

(g) Required Actions

(1) Perform an initial visual inspection of the overspeed fuel solenoid valve assembly and fuel filter outlet in accordance with the Accomplishment Instructions, paragraphs 3.B.(1) to (3), of Honeywell Alert Service Bulletin (ASB) ALF/LF–72–1120, Revision 1, dated January 6, 2020 (''Honeywell ASB ALF/LF–72–1120''), using the times, as applicable, in paragraphs (g)(1)(i), (ii), and (iii) of this AD.

(i) If, on the effective date of this AD, the fuel solenoid valve assembly has 1,500 or less engine cycles since last overhaul, perform the inspection before exceeding 3,000 engine cycles since last overhaul or within 5 years after the effective date of this AD, whichever occurs first.

(ii) If, on the effective date of this AD, the fuel solenoid valve assembly has greater than 1,500 but less than 3,000 engine cycles since last overhaul, perform the inspection before exceeding 3,500 engine cycles since last

overhaul or within 5 years after the effective date of this AD, whichever occurs first.

(iii) If, on the effective date of this AD, the fuel solenoid valve assembly has 3,000 or more engine cycles since last overhaul, perform the inspection before exceeding 500 engine cycles or within 5 years after the effective date of this AD, whichever occurs first.

(2) Thereafter, repeat the visual inspection of the overspeed fuel solenoid valve assembly, fuel filter outlet, and adjacent fuel system tube assemblies at intervals not to exceed 3,000 engine cycles since the last visual inspection using the Accomplishment Instructions, paragraphs 3.B.(1) to (3), of Honeywell ASB ALF/LF–72–1120.

(3) If, based on the visual inspection required by paragraph (g)(1) or (2) of this AD, an overspeed fuel solenoid valve assembly is rejected for visual coking or varnish residue, as depicted in the Accomplishment Instructions, paragraph 3.B.(3) of Honeywell ASB ALF/LF–72–1120, before further flight:

(i) Remove and inspect the adjacent fuel system tube assemblies using the Accomplishment Instructions, paragraph 3.B.(3) of Honeywell ASB ALF/LF–72–1120.

(ii) Overhaul the overspeed fuel solenoid valve assembly or replace it with a part eligible for installation using the Accomplishment Instructions, paragraphs 3.B.(5) to (8), of Honeywell ASB ALF/LF–72–1120.

Note to paragraph (g)(3)(ii): Valves may be serviced at any appropriately rated, FAA-approved repair facility.

(4) At the next engine shop visit after the effective date of this AD, and each shop visit thereafter, if the overspeed fuel solenoid valve assembly time since new or since last overhaul, whichever is less, exceeds 8,000 engine cycles or is unknown, overhaul the overspeed fuel solenoid valve assembly in accordance with the applicable Honeywell Temporary Revision (TR) for the engine, as defined in paragraphs (h)(1) through (4).

(h) Definition

For the purpose of this AD, the ''applicable Honeywell TR'' refers, depending on the affected engine model, to the following engine model TRs:

(1) Honeywell TR No. 72–1022, dated October 14, 2019, for Honeywell ALF502R model engines;

(2) Honeywell TR No. 72–202, dated October 10, 2019, for Honeywell LF507–1F model engines;

(3) Honeywell TR No. 72–177, dated October 10, 2019, for Honeywell LF507–1H model engines; or

(4) Honeywell TR No. 72–57, dated October 29, 2019, for Honeywell ALF502L model engines.

(i) Credit for Previous Actions

You may take credit for the initial visual inspection and replacement required by paragraph (g)(1) to (3) of this AD if the inspection was performed using the Accomplishment Instructions, paragraphs 3.B.(1) to (2) or 3.B.(6), of Honeywell ASB ALF/LF–72–1120, Revision 0, dated August 30, 2019.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Related Information

(1) For more information about this AD, contact Mark Matzke, Aerospace Engineer, Los Angeles ACO Branch, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5312; fax: 562–627–5210; email: *mark.matzke@faa.gov.*

(2) For service information identified in this AD, contact Honeywell International Inc., 111 S. 34th Street, Phoenix, Arizona 85034–2802, United States; phone: 800–601–3099; website: *https://aerospace.honeywell.com/en#/.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7759.

Issued on April 28, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–09287 Filed 5–1–20; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 4

RIN 3038–AE98

Amendments to Compliance Requirements for Commodity Pool Operators on Form CPO–PQR

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission (CFTC or Commission) is proposing amendments to agency regulations on Commodity Pool Operators. Specifically, the proposal would eliminate the pool-specific reporting requirements in existing Schedules B and C of Form CPO–PQR, other than the pool schedule of investments, and amend the information in existing Schedule A of the form to request Legal Entity Identifiers (LEIs) for commodity pool operators (CPOs) and their operated pools that have them, and to eliminate questions regarding pool auditors and marketers. All CPOs would be required to file the resulting amended Form CPO–PQR quarterly, but would also be allowed to file NFA Form PQR, a comparable form required by the National Futures Association (NFA), in lieu of filing the revised Form CPO–PQR. Relatedly, the Commission would also no longer accept filing Form PF in lieu of the revised Form CPO–PQR. The Commission preliminarily believes that these amendments would focus Form CPO–PQR on data elements that facilitate the Commission's oversight of CPOs and their pools in connection with its use of other Commission data streams and regulatory initiatives while reducing overall data collection requirements for market participants.

DATES: Comments must be received on or before June 15, 2020.

ADDRESSES: You may submit comments, identified by RIN number 3038–AE98, by any of the following methods:

- *CFTC Comments Portal: https://comments.cftc.gov.* Select the ''Submit Comments'' link for this rulemaking and follow the instructions on the Public Comment Form.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Follow the same instructions as for Mail, above.

Please submit your comments using only one of these methods. Submissions through the CFTC Comments Portal are encouraged.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *https://comments.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (FOIA), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in Commission Regulation 145.9.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://comments.cftc.gov* that it

[1] 17 CFR 145.9. The Commission's regulations are found at 17 CFR Ch. I (2019).

may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the FOIA.

FOR FURTHER INFORMATION CONTACT: Joshua B. Sterling, Director, at 202–418–6700 or *jsterling@cftc.gov;* Amanda Lesher Olear, Deputy Director, at 202–418–5283 or *aolear@cftc.gov;* Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1151 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 1a(11) of the Commodity Exchange Act (CEA or the Act) [2] defines the term ''commodity pool operator'' (CPO), as any person [3] engaged in a business that is of the nature of a commodity pool, investment trust, syndicate, or similar form of enterprise, and who, with respect to that commodity pool, solicits, accepts, or receives from others, funds, securities, or property, either directly or through capital contributions, the sale of stock or other forms of securities, or otherwise, for the purpose of trading in commodity interests.[4] CEA section 4m generally requires each person who satisfies the CPO definition to register as such with the Commission.[5] CEA section 4n requires registered CPOs to maintain books and records and file such reports in such form and manner as may be prescribed by the Commission.[6]

In 2010, the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) [7] amended the Investment Advisers Act of 1940 (Advisers Act) [8] to require advisers to large private funds [9] to register with the Securities and Exchange Commission. (SEC).[10] Congress further directed the SEC to adopt rules requiring registered private fund advisers [11] to file reports containing such information as is deemed necessary and appropriate in the public interest and for investor protection and for the assessment of systemic risk.[12] Pursuant to section 204 of the Advisers Act, as amended, those records and reports must include, among other things, a description of the amount of assets under management, use of leverage, counterparty credit risk exposure, and trading and investment positions for each private fund advised by the adviser.[13] These records and reports must also be made available to the Financial Stability Oversight Counsel (FSOC).[14] Through these requirements, Congress sought to make available to the SEC and FSOC information regarding the size, strategies, and positions of large private funds, which Congress believed could be crucial to regulatory attempts to deal with a future crisis.[15]

Pursuant to Advisers Act section 211, as amended, rules establishing the form and content of reports filed by private fund advisers that are dually registered with the SEC and the CFTC (together, the Commissions) must be promulgated jointly by both agencies after consultation with FSOC.[16] Accordingly, in 2011 the Commissions jointly adopted sections 1 and 2 of Form PF.[17] In adopting Form PF, the Commissions stated that the form was designed to provide FSOC empirical data from which it may make a determination about the extent to which the activities of private funds or their advisers pose systemic risk.[18] The SEC added that the policy judgements implicit in the Form PF reporting requirements reflected FSOC's role as the primary user of the reported information and that the SEC would not necessarily have required the same scope of reporting if the information reported on Form PF were intended solely for the SEC's use.[19]

Following the adoption of Form PF, and on its own initiative, the Commission adopted its own new reporting requirement for CPOs: Form CPO–PQR and § 4.27, which requires certain CPOs to report on Form CPO–PQR.[20] The Commission proposed this new reporting requirement after reevaluating its regulatory approach to CPOs in light of the 2008 financial crisis and the purposes and goals of the Dodd-Frank Act so as to determine the necessary level of regulation in the then-current economic environment. The amendments to Part 4, including this new reporting requirement, were intended to: (1) Align the Commission's regulatory structure for CPOs with the purposes of the Dodd-Frank Act; (2) encourage more congruent and consistent regulation of similarly situated entities among Federal financial regulatory agencies, such as dually registered CPOs required to file Form PF; (3) improve accountability and increase transparency of the activities of CPOs and the commodity pools that they operate or advise; and (4) facilitate a data collection that would potentially assist FSOC.[21] To that end, the requirements of Form CPO–PQR were modeled closely after those of Form PF.[22]

In adopting Form CPO–PQR, the Commission indicated that the collected data would be used for several broad purposes, including: Increasing the Commission's understanding of its registrant population; assessing the market risk associated with pooled

[2] 7 U.S.C. 1, *et seq.* (2019). The Act is accessible through the Commission's website, *https://www.cftc.gov.*

[3] *See* 17 CFR 1.3 (defining ''person'' to include individuals, associations, partnerships, corporations, and trusts).

[4] 7 U.S.C. 1a(11).

[5] 7 U.S.C. 6m(1).

[6] 7 U.S.C. 6n(3)(A). Registered CPOs have regulatory reporting obligations with respect to their operated pools. *See* 17 CFR. 4.22.

[7] Public Law 111–203, 124 Stat. 1376 (2010).

[8] 15 U.S.C. 80b–1 *et seq.* (2019).

[9] Section 202(a)(29) of the Advisers Act defines the term ''private fund'' as ''an issuer that would be an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3), but for section 3(c)(1) or 3(c)(7) of that Act.'' *See* 15 U.S.C. 80ab–2(a)(29).

[10] *See* Dodd-Frank Act section 403 of the (amending Advisers Act 203(b), 15 U.S.C. 80b–3(b), to incorporate private fund adviser registration); Dodd-Frank Act sections 402, 407, 408 (establishing certain exemptions from private fund adviser registration); Advisers Act section 202(a)(29), 15 U.S.C. 80a–3 (defining ''private fund'').

[11] As used in this release, the term ''private fund adviser'' refers to any investment adviser that is: (i) Registered or required to be registered with the SEC (including any investment adviser that is also registered or required to be registered with the CFTC as a CPO or CTA); and (ii) advises one or more private funds (including any commodity pools that satisfy the definition of ''private fund'').

[12] *See* Dodd-Frank Act section 404; Advisers Act section 204, 15 U.S.C. 80b–4(b)(5). *See also* 15 U.S.C. 80b–4(b)(1) (authorizing the SEC to require each investment adviser to a private fund to file reports containing such information as the SEC deems necessary and appropriate in the public interest or for the protection of investors or for the assessment of systemic risk by the Financial Stability Oversight Council).

[13] 15 U.S.C. 80b–4(b)(3).

[14] 15 U.S.C. 80b–4(b)(7).

[15] Commodity Pool Operators and Commodity Trading Advisors: Amendments to Compliance Obligations, 76 FR 7976, 7977 (Form CPO–PQR Proposal) (Feb. 11, 2011) (citing S. Conf. Rep. No. 111–176, at 38 (2010)).

[16] 15 U.S.C. 80b–11(e).

[17] *See* Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors on Form PF, 76 FR 71128 (Nov. 16, 2011) (Form PF Final Rule). Sections 3 and 4 of Form PF were adopted solely by the SEC. *Id.*

[18] *Id.* at 71129.

[19] *Id.* at 71129–30.

[20] *See* Commodity Pool Operators and Commodity Trading Advisors: Compliance Obligations, 77 FR 11252 (Feb. 24, 2012) (Form CPO–PQR Final Rule); 17 CFR pt. 4 app. A; 17 CFR 4.27.

[21] Form CPO–PQR Proposal, 76 FR at 7978.

[22] *Id.* at 7978 (''The Commission proposes [Form CPO–PQR] to solicit information that is generally identical to that sought through Form PF . . .''). Section 4.27 further provides for the filing of Form PF in lieu of Commission filing requirements (*i.e.,* Form CPO–PQR) for CPOs that are dually registered with the SEC. *See* 17 CFR 4.27(d).

investment vehicles under its jurisdiction; and monitoring for systemic risk.[23] Specifically, the Commission was interested in receiving information regarding the operations of CPOs and their pools, including their participation in commodity interest markets, their relationships with intermediaries, and their interconnectedness with the financial system at large.[24] In proposing the majority of the more pool-specific questions in the form in particular, the Commission believed the incoming data would assist the Commission in monitoring commodity pools in such a way as to allow the Commission to identify trends over time, including a pool's exposure to asset classes, the composition and liquidity of a commodity pool's portfolio, and a pool's susceptibility to failure in times of stress.[25] Although the Commission recognized that the data had some limitations, it believed that, in light of the 2008 financial crisis and the sources of risk delineated in the Dodd-Frank Act with respect to private funds, the detailed, pool-specific information to be provided in Form CPO–PQR was necessary and appropriately balanced to assess the risks posed by a pool or a CPO's operations as a whole.[26]

After seven years of experience with Form CPO–PQR, the Commission is reassessing the scope of Form CPO–PQR and how it aligns with the Commission's current regulatory priorities. The Commission's ability to make full use of the more detailed information collected under Form CPO–PQR has not met the Commission's initial expectations. At the same time, however, the Commission has devoted substantial resources to developing other data streams and regulatory initiatives designed to enhance its ability to broadly surveil financial markets for risk posed by all manner of market participants, including CPOs and their operated pools.

Under these circumstances, and as further explained in discussion that follows, the Commission preliminarily believes that Form CPO–PQR could be revised in a way that would support the Commission's ability to exercise its oversight of CPOs and their operated pools while reducing reporting burdens for market participants, thereby further promoting the integrity, resilience, and vibrancy of the U.S. derivatives markets.

[23] *See* Form CPO–PQR Final Rule, 77 FR 11252.

[24] *Id.* at 11266.

[25] Form CPO–PQR Proposal, 76 FR at 7981.

[26] *Id.*

II. Overview of Current Form CPO–PQR

The amount of information that a CPO is currently required to disclose on Form CPO–PQR varies depending on the size of the operator and the size of the operated pools.[27] The form identifies three classes of filers: Large CPOs, Mid-Sized CPOs, and Small CPOs. The thresholds for determining Large and Mid-Sized CPOs generally align with those in Form PF:[28] A Large CPO is a CPO that had at least $1.5 billion in aggregated pool assets under management (AUM)[29] as of the close of business on any day during the reporting period; a Mid-Sized CPO is a CPO that had at least $150 million, but less than $1.5 billion, in aggregated pool AUM as of the close of business on any day during the reporting period. Although not defined in Form CPO–PQR, ''Small CPO,'' as used herein, refers to a CPO that is not a Large CPO or a Mid-Sized CPO, *i.e.,* a CPO that had less than $150 million in aggregated pool AUM during the entire reporting period. The reporting period for Large CPOs is any of the individual calendar quarters (ending March 31, June 30, September 30, and December 31); for Small and Mid-Sized CPOs, the reporting period is the calendar year-end.

Form CPO–PQR consists of three schedules: Schedules A, B, and C. Schedule A requires all CPOs to disclose basic identifying information about the CPO (Part 1) and about each of the CPO's pools and the service providers they used (Part 2). Large CPOs submit Schedule A on a quarterly basis; all other CPOs submit it annually. Schedule B requires additional detailed information for each pool operated by Mid-Sized and Large CPOs regarding each pool's investment strategy; borrowings and types of creditors; counterparty credit exposure; trading and clearing mechanisms; value of aggregated derivative positions; and a schedule of investments. Large CPOs submit Schedule B on a quarterly basis, whereas Mid-Sized CPOs submit it annually.

Schedule C requires further detailed information about the pools operated by Large CPOs on an aggregate and pool-by-pool basis. Part 1 of Schedule C requires aggregate information for all pools operated by a Large CPO, including (1) a geographical breakdown of the pools' investment on an aggregated basis and (2) the turnover rate of aggregate portfolio of pools. Part 2 of Schedule C requires certain detailed information for each Large Pool the Large CPO operates, where a ''Large Pool'' is defined as a commodity pool that has a net asset value (NAV)[30] individually, or in combination with any parallel pool structure,[31] of at least $500 million as of the close of business on any day during the reporting period.[32] Specifically, Part 2 requires information with respect to each Large Pool the Large CPO operates during the given reporting period, including information regarding the Large Pool's: (1) Identity; (2) liquidity; (3) counterparty credit exposure; (4) risk metrics; (5) borrowing; (6) derivative positions and posted collateral; (7) financing liquidity; (8) participant information; and (9) the duration of its fixed income assets. Large CPOs submit Schedule C on a quarterly basis and a separate Part 2 of Schedule C on a quarterly basis for each Large Pool they operate during the reporting period.

If a CPO is dually registered with the SEC as an Investment Adviser and is required to file Form PF regarding its advisory services to private funds[33] during the reporting period, the CPO is deemed to have satisfied its Schedule B and Schedule C filing requirements by completing and filing certain questions in Form PF.[34]

In addition to Form PF and Form CPO–PQR, in 2010 NFA implemented its form PQR (NFA Form PQR) to elicit data in support of a risk-based examination program for CPOs.[35] Pursuant to NFA Rule 2–46, all CPO NFA members, which include all CPOs registered with the Commission, must file NFA Form PQR on a quarterly basis.[36] By rule, NFA accepts the filing of Form CPO–PQR, but not Form PF, in lieu of filing its form for any quarter in which a Form CPO–PQR filing is

[27] *See* 17 CFR pt. 4 app. A.

[28] *See* Instructions to Form PF, available at *http://www.sec.gov/about/forms/formpf.pdf.* Private fund investment advisers with ''regulatory AUM,'' as that term is defined in Form PF, of at least $150 million are required to file Section 1 of Form PF; private fund investment advisers with regulatory AUM equal to or exceeding $1.5 billion are required to file Sections 1 and 2 of Form PF. *Id.*

[29] AUM refers to the amount of all assets that are under the control of the CPO. *See* 17 CFR pt. 4 app. A.

[30] The term ''net asset value'' has the same meaning as in Commission regulation at § 4.10(b). *See id.*

[31] The term ''parallel pool structure'' means any structure in which one or more pools pursues substantially the same investment objective and strategy and invests side by side in substantially the same assets as another pool. *See id.*

[32] *Id.*

[33] The term ''private fund'' has the same meaning as the definition of ''private fund'' in Form PF. 17 CFR pt. 4, app. A.

[34] *See id.*

[35] NFA Rule 2–46 (2010).

[36] *Id.* All registered CPOs are required to be NFA members pursuant to 17 CFR 170.17.

required under § 4.27. As such, dually-registered CPOs that file Form PF in lieu of a Form CPO–PQR filing are currently required to file NFA Form PQR with NFA quarterly.

III. Proposed Regulations

As indicated above, the Commission is proposing amendments to Form CPO–PQR that would reduce the amount of reporting required thereunder while still supporting the Commission's ability to oversee the activities of CPOs and their operated pools. Specifically, the proposal would eliminate the pool-specific information currently required to be reported in Schedules B or C of the form, with the exception of the pool schedule of investments (question 6 of Schedule B). The information required in current Schedule A would remain with a few amendments, notably the addition of questions regarding LEIs. The retained reporting requirements—the reporting requirements in current Schedule A, as proposed to be amended, plus the schedule of investments from Schedule B—would be combined to form the entirety of Form CPO–PQR, referred to herein as ''Revised Form CPO–PQR.'' The proposal would require all CPOs to file Revised Form CPO–PQR on a quarterly basis, but would permit CPOs to file a comparable form required by NFA, NFA Form PQR, in lieu of Revised Form CPO–PQR. As a corollary, the Commission would also revise § 4.27(d) to eliminate the ability of dually regulated CPOs that are required to file Form PF with respect to one or more of their operated private funds to file Form PF in lieu of filing current Form CPO–PQR, while retaining Form PF as the Commission's form. The sections that follow explain these proposed changes in further detail.

A. Elimination of Pool-Specific Reporting Requirements in Schedules B and C

As mentioned above, the Commission is proposing to eliminate the majority of the information required to be reported in current Schedules B and C of Form CPO–PQR. The eliminated data elements include detailed, pool-specific information, provided on both the individual and aggregate level, such as questions about investment strategy and counterparty credit exposure, asset liquidity and concentration of positions, clearing relationships, risk metrics, financing, and investor composition.

In adopting Form CPO–PQR, the Commission was interested in receiving information regarding the operations of CPOs and their operated pools, including their participation in commodity interest markets, their relationships with intermediaries, and their interconnectedness with the financial system at large.[37] In proposing the majority of the elements in Schedules B and C in particular, the Commission believed they would assist the Commission in monitoring commodity pools in such a way as to allow the Commission to identify trends over time, including a pool's exposure to asset classes, the composition and liquidity of a commodity pool's portfolio, and a pool's susceptibility to failure in times of stress.[38]

After seven years of experience with Form CPO–PQR, however, the Commission acknowledges that challenges with the data collected in Schedules B and C, combined with resource constraints in the face of broader Commission priorities, have frustrated the Commission's ability to fully realize that vision. To begin, in an effort to take into account the different ways CPOs maintain information, the Commission allowed CPOs flexibility in how they calculated and presented certain of the data elements.[39] For example, Form CPO–PQR gives Large CPOs the option of reporting the duration, weighted average tenor, or 10-year equivalents of fixed income portfolio holdings, understanding that Large CPOs may use a wide range of metrics to measure interest rate sensitivity. As a result, the Commission's ability to identify trends across CPOs or pools using Form CPO–PQR data has been substantially challenged.

Additionally, taking into account the volume and complexity of the data it was requesting, the Commission determined not to require the data to be provided in real-time but rather only mandated post hoc quarterly or annual filings. The Commission acknowledged the limitations of this filing schedule at the time but also recognized the time it would take to produce the requested information and concluded that Form CPO–PQR struck an appropriate balance in addressing the Commission's need for timely information and providing CPOs sufficient time to prepare it.[40] As the Commission has reviewed the data over the years, however, it has become apparent that the infrequent and delayed nature of such reporting has made it difficult to assess the impact of CPOs and their operated pools on markets as conditions and that relative CPO risk profiles may have changed, potentially significantly, by the time Form CPO PQR is filed with the Commission.

Part of the Commission's rationale for promulgating Schedules B and C was a need for additional information about CPOs that are non-dual registrants to ''identify significant risk to the stability of the derivatives market and the financial market as a whole.''[41] In making the assessment that the information then available about the operations of CPOs and their operated firms was insufficient, the Commission focused primarily on the limited data that it received under other provisions of Part 4, such as the annual pool financial statements under § 4.22, which it believed was not well suited for the stated purpose of identifying risk to the either stability of the derivatives markets or the financial markets in general.[42] Moreover, the Commission did not at the time believe that it had the capability to use that information to assess the relationship between a large position held by a pool and the rest of the pool's other derivatives positions and securities investments.[43]

However, in the ten years since the Dodd-Frank Act was passed, the Commission has devoted significant resources to regulatory initiatives and data streams designed to enhance the Commission's ability to broadly surveil financial markets for risk posed by all manner of market participants, including CPOs. These data streams include extensive information related to trading, reporting, and clearing of swaps. Notably, the Commission has developed a regime requiring the reporting of detailed swap transaction information to swap data repositories (SDRs), including for those transactions entered into by CPOs and the pools they operate.[44] Specifically, swap transaction data related to both over-the-counter and exchange traded swaps is required to be reported to SDRs,[45] and consequently, swaps entered into by CPOs and pools, whether on an exchange or over-the-counter, are reported to SDRs and included in the data set that Commission staff can use to conduct broader market surveillance.

The Commission has also maintained, and in some instances enhanced, its daily reporting regime for derivatives clearing organizations (DCOs), clearing

[37] Form CPO–PQR Final Rule, 77 FR at 11266.

[38] Form CPO–PQR Proposal, 76 FR at 7981.

[39] Form CPO–PQR Final Rule, 77 FR at 11271.

[40] *Id.* at 11267.

[41] *Id.* at 11266.

[42] Form CPO–PQR Proposed Rule, 76 FR at 7978 (''The information that the Commission currently receives is limited, not designed to measure systemic or market risk in any meaningful way, and is only submitted by registered CPOs on an annual basis.'').

[43] Form CPO–PQR Final Rule, 77 FR at 11268.

[44] *See* 17 CFR pts. 45; App. 1 to pt. 45, 49.

[45] 17 CFR pt. 45.

members, designated contract markets (DCMs), futures commission merchants (FCMs), swap dealers, and large traders. Commission regulations require DCOs to make extensive daily reports, containing information on the positions and activities of clearing members and customers, including commodity pools, to the Commission.[46] Commission regulations also require reporting by clearing members and large traders themselves.[47] Through this data, the Commission can analyze positions and risks at the DCO, clearing member, or customer level, including customer positions at more than one clearing member, and clearing member positions at more than one DCO.

The Commission's risk surveillance program focuses on identifying, quantifying, and monitoring the risks to the financial system posed by DCOs, clearing participants, and other market participants—including CPOs and their operated pools. To this end, on a daily basis, Commission staff work to: (1) Identify positions in cleared products that pose significant financial risk; and (2) confirm that these risks are being appropriately managed. Staff undertakes these tasks at the customer level, the firm level, and the DCO level. That is, staff identifies both the customers that pose risks to clearing members and clearing members that pose risks to DCOs.

Importantly, most of the transaction and position information the Commission uses for its surveillance activities is available on a more timely and frequent basis than the data received on the current iteration of Form CPO–PQR. Furthermore, Commission programs to conduct surveillance of exchanges, FCMs, and DCOs already include CPOs and do not rely on the information contained in Schedules B and C of Form CPO–PQR.

Taken together, these efforts have enhanced the Commission's ability to broadly and actively surveil financial markets, including with respect to the activities of CPOs and the pools they operate. In general, the Commission's alternate data streams provide a more timely, standardized, and reliable view into relevant market activity than that provided under Form CPO–PQR, which make them much easier to combine into a holistic surveillance program. Although none of the Commission's current data streams offers a substitute for the more detailed, pool-specific type of information set forth in Schedules B and C of Form CPO–PQR, the Commission preliminarily believes that, taking into account the Commission's current priorities and resource availabilities, a Revised Form CPO–PQR that could be more easily integrated with these existing and more developed data streams would enable the Commission, with some additional data analysis, to oversee and assess the impact of CPOs and their operated pools in the commodity interest markets in an effective manner. The inclusion of the LEIs for the CPO and its operated pools, as explained more fully below, would be key to helping facilitate this integration with respect to CPOs and pools that engage in the swaps markets. The Commission also preliminarily believes that this improved data integration would mitigate the need to engage in a more extensive, and likely more burdensome, effort to improve the utility of the data fields requested in current Schedules B and C.

The Commission notes that more than half of the largest CPOs and pools are captured within the statutory definitions of private fund investment advisers and private funds and as such are required to report on Form PF.[48] Other large asset managers that are registered as CPOs and file Form CPO–PQR are sponsors or advisers to investment companies registered under the Investment Company Act of 1940,[49] which, by definition, are not private funds.[50] Many of those registered investment companies are also commodity pools that trade commodity interests to a meaningful degree as part of their investment strategies; as a result, those investment companies' principal investment advisers have registered with the Commission as CPOs.[51] Registered investment companies are subject to a comprehensive scheme of periodic financial reporting under the federal securities laws, and most of that data is publicly available on the SEC's website through its EDGAR filing system.[52] In addition, all CPOs file annual certified financial statements for their commodity pools with NFA pursuant to the Commission's regulations.[53] NFA reviews the information in commodity pool annual certified financial statements, uses it as an input for determining the frequency and scope of its examinations of CPOs in combination with the data that it collects on its NFA Form PQR, and communicates frequently with Commission staff regarding its examination of CPOs, as informed by its review of such financial statements and data filings.

The Commission acknowledges that a determination to no longer routinely collect the pool-specific data in Schedules B and C would result in this information not being readily available to FSOC upon request, which was part of the Commission's envisioned purpose for Form CPO–PQR when it was first promulgated. As well, the Commission notes that many dually registered CPOs currently include commodity pools that are not private funds in data that they report on Form PF, in lieu of a filing on Form CPO–PQR for such pools, pursuant to § 4.27(d), and that if the amendments proposed herein are adopted as final, these CPOs could decide to stop including these pools in their Form PF filing. The Commission understands that this could result in less information relevant to commodity pools being available to FSOC from Form PF. However, given that FSOC is otherwise provided with comparable data for the sizeable number of dually registered CPOs via Form PF, the Commission preliminarily believes FSOC's monitoring should not be materially affected compared to its current state.

B. Revised Form CPO–PQR

With the proposed elimination of the majority of the data fields set forth in Schedules B and C of current Form CPO–PQR, the resulting Revised Form CPO–PQR would consist of the information currently reported in Schedule A of Form CPO–PQR, with a couple deletions discussed below; the pool schedule of investments, currently reported under question 6 of Schedule B; and new questions to solicit LEIs for each CPO and its operated pools. All CPOs would be required to report all of this information quarterly, regardless of their AUM. As intimated above, the Commission preliminarily believes that this information, when integrated with other data streams available to the Commission, would provide an effective and efficient way for the Commission to

[46] 17 CFR 39.19.

[47] 17 CFR pt. 18.

[48] Based on the data received for the reporting period of September 30, 2017, for example, eight out of the ten largest CPOs filed Form PF in lieu of Form CPO–PQR.

[49] 15 U.S.C. 80a–1, *et seq.*

[50] 15 U.S.C. 80b–2(29).

[51] 17 CFR 4.5(c); 17 CFR 4.12(c).

[52] For instance, registered management investment companies—a category that includes those investment companies that are also commodity pools—file with the SEC annual reports on Form N–CEN, quarterly reports of their portfolio holdings on Form N–PORT, and information about their liquidity on Form N–LIQUID. Management investment companies that are regulated as money market funds are subject to different reporting, as are other registered investment companies that are organized as unit investment trusts, business development companies, and face-amount certificate companies.

[53] 17 CFR 4.7(b); 4.22(c) and (d).

oversee and assess the impact of CPOs and their operated pools in the commodity interest markets.

Current Schedule A provides the Commission basic identifying information about the CPO and its operated pools and the service providers they used, including the custodians and brokers used by the CPO with respect to some or all of the operated pools' assets and the pools' monthly rate of return. The Commission preliminarily believes that this basic, demographic information is useful in providing context with respect to the more granular information it receives regarding the positions held by commodity pools from other sources.

At the moment, the data currently collected in Form CPO–PQR cannot be easily aggregated with other market information that the Commission collects, and, as such, has not been integrated into the Commission's market oversight function, which limits its utility to the Commission. Specifically, the lack of LEI information for CPOs and their operated pools makes it challenging to align it with the data received from DCOs, DCMs, SDRs, and FCMs to compile a view into the operations of CPOs and pools and the various roles such entities inhabit within the commodity interest markets. The Commission is therefore proposing to amend Form CPO–PQR to include a question seeking the CPO's and the operated pools' LEIs, to the extent they have them. The inclusion of existing LEIs within this smaller data set on Revised Form CPO–PQR should enable the Commission to more efficiently and accurately synthesize the various Commission data streams on an entity-by-entity basis. Furthermore, inclusion of LEIs may permit better use of SDR and other data to illuminate the risk inherent in pools and pool families. The Commission also anticipates that the inclusion of LEIs would greatly facilitate the aggregation of data from commodity pools under different levels of common control.

Although the Commission is proposing to continue to receive the majority of the information currently collected in Schedule A of Form CPO–PQR, it is also proposing to eliminate the questions regarding the pool's auditors and marketers. The Commission and NFA receive information regarding the independent certified public accountants that all CPOs are required to engage to prepare certified annual reports, including audited financial statements, for their operated commodity pools through other means, which the Commission preliminarily believes obviates the need for obtaining this information through Revised Form CPO–PQR.[54] With respect to a pool's marketers, staff generally accesses this information through sources other than Form CPO–PQR, such as registration records for APs associated with the offered pool's CPO or through the disclosure document for the pool. For example, persons soliciting for pool participation units are typically either associated persons of the CPO [55] or registered representatives of a broker dealer.[56] Such persons are subject to regulation by either the Commission and NFA, or the SEC and the Financial Industry Regulatory Authority (FINRA). As such, the Commission preliminarily believes that it readily has the means to learn who such persons are with respect to the offering of participation units in a particular commodity pool without requiring that information to be reported on Form CPO–PQR.

At present, most CPOs are only required to submit the information in Schedule A of Form CPO–PQR on an annual basis; only Large CPOs submit this information quarterly. In order to fully integrate the information reported on Revised Form CPO–PQR into the Commission's ongoing oversight of the derivatives markets and commodity pool industry, the Commission preliminarily believes that the reporting of this basic information on a more frequent quarterly basis would be necessary. The Commission therefore preliminarily believes that requiring reporting of this basic information on a more frequent quarterly basis would play an important role in facilitating Commission's ability to monitor trends in the commodity pool industry.

The pool schedule of investments, currently in Schedule B, provides the Commission a fairly detailed breakdown of how the pool's investments are allocated by asset category (cash, equities, alternative investments, fixed income, derivatives, options, and funds). Although under the current iteration of Form CPO–PQR only Mid-Sized and Large CPOs are required to submit any information in Schedule B, and Mid-Sized CPOs only submit it annually, the Commission preliminarily believes that obtaining a pool schedule of investment from all CPOs with respect to their operated pools on a regular, quarterly basis would assist the Commission in understanding the composition of a pool's portfolio with a limited, if any, increase in their filing burden, as the Commission notes that NFA Form PQR currently requires all CPOs regardless of size to file a pool schedule of investments each quarter.

C. NFA Form PQR

As proposed, Revised Form CPO–PQR would generally align with NFA Form PQR. NFA Form PQR was implemented in 2010 to elicit data to implement NFA's risk-based examination program for CPOs.[57] The form requests basic identifying information for CPOs and their operated pools, and a schedule of investments, and requires all CPOs to report this information quarterly. As a whole, current NFA Form PQR is essentially identical to current Schedule A of Form CPO–PQR combined with the pool of investments question from Schedule B. The Commission also understands that NFA has plans to include questions regarding LEIs in NFA Form PQR. If Revised Form CPO–PQR is adopted as proposed, and NFA's amendments to include LEIs are also finalized, the forms will be substantively identical. Under those circumstances, the Commission would permit a CPO to file NFA Form PQR in lieu of Revised Form CPO–PQR, offering CPOs additional filing efficiencies without compromising the Commission's ability to obtain affected data.

As a corollary, the Commission is also proposing to revise § 4.27(d), which currently permits dually regulated CPOs required to file Form PF with respect to one or more of their operated private funds to file Form PF in lieu of filing current Form CPO–PQR with respect to any commodity pools that are not private funds.[58] The Commission believes that this provision would be redundant in light of the proposed provision to accept NFA Form PQR and would frustrate an intended purpose of this proposed rulemaking, which is to allow the Commission to enhance the Commission's use of its own internal data streams to effectuate an efficient and effective oversight program of CPOs and their operated pools, given that Revised Form CPO–PQR would no longer be closely aligned in content or filing frequency with Form PF. The Commission is not, however, proposing to change Form PF's status as the Commission's form, nor is the Commission proposing to change its requirement that dually registered CPOs

[54] 17 CFR 1.16.

[55] 17 CFR 1.3, *associated person;* 17 CFR 3.12.

[56] 17 CFR 3.12(h)(ii).

[57] NFA Form PQR assists NFA in assessing risks, identifying trends, and assigning audit priorities in its oversight of CPOs. *See* National Futures Association: CPO Quarterly Reporting Requirements—Proposed Adoption of Compliance Rule 2–46, *https://www.nfa.futures.org/news/PDF/CFTC/CR2_46_CPO_Quarterly_Report_082009.pdf* (last visited Dec. 30, 2019).

[58] 17 CFR 4.27(d).

and CTAs continue to file Form PF with the SEC.

Many dually registered CPOs currently include commodity pools that are not private funds in data that they report on Form PF, in lieu of a filing on Form CPO–PQR for such pools, in reliance on § 4.27(d). If § 4.27(d) is revised to eliminate this option for dually registered CPOs, the Commission understands that some or even all dually registered CPOs that currently file Form PF in lieu of Schedules B and/or C of current Form CPO–PQR for their non-private fund pools could cease to include such non-private fund pools in their Form PF filings, resulting in a reduced data set collected on Form PF as compared to the *status quo.* The Commission preliminarily believes, however, that this loss of data to the SEC and FSOC would not meaningfully impact the efficacy and intent of Form PF in furthering the oversight of the private fund industry, given that it would only result in the loss of data on Form PF with respect to non-private fund pools.[59]

IV. Request for Comments

The Commission requests comment on all aspects of this proposal. Additionally, the Commission would appreciate consideration of the following specific questions:

A. Scope of Proposed Revised Form CPO–PQR

1. CPOs that are jointly regulated by the Commission and the SEC are required to file Form PF with respect to private funds; many commodity pools are private funds within the meaning of Form PF. One of the Commission's initial rationales for adopting Form CPO–PQR was to encourage more congruent and consistent regulation of similarly situated entities among Federal financial regulatory agencies, particularly with respect to dually registered CPOs required to file Form PF. If Revised Form CPO–PQR is adopted as proposed, Form PF and Form CPO–PQR would become less aligned, meaning that dually registered CPOs would have reporting obligations that are noticeably different from those CPOs only subject to the Commission's jurisdiction. Would such a relative lack of regulatory congruence negatively impact CPOs? Should the Commission instead rescind Form CPO–PQR in its entirety and require all CPOs to file all or part of Form PF with NFA? Why or why not?

2. Many dually registered CPOs currently include commodity pools that are not private funds in data that they report on Form PF, in lieu of a filing on Form CPO–PQR for such pools, pursuant to § 4.27(d). If the amendments proposed herein are adopted as final, these CPOs could decide to stop including these pools in their Form PF filing. For CPOs in this category, if Form CPO–PQR is amended as proposed, would you cease reporting data for these pools on Form PF? Why or why not?

3. CPOs that operate commodity pools that are registered investment companies must report financial information about those pools to the SEC, while also providing annual pool financial statements to NFA. Is there any additional reporting of investment company financial information that the Commission has failed to consider in this proposal that addresses the concerns underlying Form CPO–PQR?

4. Are there any specific questions that the Commission has proposed to rescind that it should consider retaining? Why?

5. Are there ways the Commission could further clarify and refine the reporting instructions for completing Revised CPO–PQR in order to provide CPOs with greater certainty that they are completing the form correctly? For example, could the form's references to other regulations or its defined terms be simplified or made clearer? Please suggest specific revisions.

B. NFA Form PQR

5. The Commission proposes to permit a timely filing with NFA of NFA Form PQR in lieu of a filing of the revised Proposed Form CPO–PQR. Should the Commission consider any other ways to further align with NFA Form PQR? What would those ways be? Please describe in detail.

6. The schedule of investments as it currently appears in both Revised Form CPO–PQR and NFA Form PQR requires significant granular information regarding numerous asset classes. Are there any asset classes that can or should be eliminated? Why or why not? Should the Commission consider amending the schedule of investments to align with the simpler schedule that appeared in NFA Form PQR in 2010?

C. Addition of LEIs

7. In order to further the analysis of Revised Form CPO–PQR across other existing Commission data sets, the Commission is proposing to require the inclusion of LEIs in Revised Form CPO–PQR, to the extent that the CPO or its operated pools otherwise already have LEIs. The inclusion of LEIs would also make this portion of Form CPO–PQR data more accessible for analysis consistent with these other data sets. Should the Commission include LEIs on Revised Form CPO–PQR? Why or why not?

V. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires Federal agencies, in promulgating regulations, to consider whether the rules they propose will have a significant economic impact on a substantial number of small entities and, if so, to provide a regulatory flexibility analysis regarding the economic impact on those entities. Each Federal agency is required to conduct an initial and final regulatory flexibility analysis for each rule of general applicability for which the agency issues a general notice of proposed rulemaking.[60]

These regulatory amendments proposed by the Commission would affect only persons registered or required to be registered as CPOs. The Commission has previously established certain definitions of ''small entities'' to be used by the Commission in evaluating the impact of its rules on such entities in accordance with the requirements of the RFA.[61] With respect to CPOs, the Commission previously has determined that a CPO is a small entity for purposes of the RFA, if it meets the criteria for an exemption from registration under § 4.13(a)(2).[62] Because the regulations proposed in this document generally apply to persons registered or required to be registered as CPOs with the Commission, as well as from related compliance burdens, the RFA is not applicable to this Proposal.

Accordingly, the Chairman, on behalf of the Commission, hereby certifies

[59] Form CPO–PQR Final Rule, 77 FR at 11281 (''[T]o mitigate reporting costs to regulated entities that may be registered with both the Commission and with the SEC, the regulations have been modified to allow dually registered entities to file on [F]orm PF (plus the first schedule A of [F]orm CPO–PQR) for all of their commodity pools, even those that are not 'private funds.' ''). As noted previously, such CPOs relying upon on the Commission's acceptance of Form PF in lieu of a Form CPO–PQR filing are currently required to file NFA Form PQR on a quarterly basis under NFA Rule 2–46.

[60] 5 U.S.C. 601 *et seq.*

[61] *See, e.g.,* Policy Statement and Establishment of Definitions of ''Small Entities'' for Purposes of the Regulatory Flexibility Act, 47 FR 18618, 18620 (Apr. 30, 1982).

[62] *Id.* at 18619–20. Section 4.13(a)(2) exempts a person from registration as a CPO when: 1) none of the pools operated by that person has more than 15 participants at any time, and 2) when excluding certain sources of funding, the total gross capital contributions the person receives for units of participation in all of the pools it operates or intends to operate do not, in the aggregate, exceed $400,000. *See* 17 CFR 4.13(a)(2).

pursuant to 5 U.S.C. 605(b) that these proposed amendments, if adopted, will not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act

1. Overview

The Paperwork Reduction Act (PRA) imposes certain requirements on Federal agencies in connection with their conducting or sponsoring any collection of information as defined by the PRA.[63] Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number from the Office of Management and Budget (OMB). This Proposal, if adopted, would result in a collection of information within the meaning of the PRA, as discussed below. The Commission is therefore submitting this NPRM to OMB for review.

The Proposal amends a single collection of information for which the Commission has previously received a control number from OMB. This collection of information is, ''Rules Relating to the Operations and Activities of Commodity Pool Operators and Commodity Trading Advisors and to Monthly Reporting by Futures Commission Merchants, OMB control number 3038–0005'' (Collection 3038–0005). Collection 3038–0005 primarily accounts for the burden associated with part 4 of the Commission's regulations that concern compliance obligations generally applicable to CPOs and CTAs, as well as certain enumerated exemptions from registration as such and exclusions from those definitions, and available relief from compliance with certain regulatory requirements.

As discussed above, the Commission's Proposal includes substantive changes to current Form CPO–PQR, such as (1) amending Schedule A, which would constitute the entirety of Proposed Form CPO–PQR, to add LEIs for each CPO and pool, (2) moving Schedule B's ''Schedule of Investments'' section to Schedule A, and (3) rescinding the remainder of the Form's current Schedules B and C.[64] Additionally, the Commission is proposing to permit the filing of NFA Form PQR with NFA in lieu of filing Form CPO–PQR by CPOs registered with the Commission. Therefore, the Commission is also proposing herein to amend Collection 3038–0005, such that the collection is consistent with the proposed restructuring of Form CPO–PQR, and reflects the expected adjustment in burden hours for registered CPOs filing the form, if revised as proposed, including the ability to file NFA Form PQR in lieu of filing Revised Form CPO–PQR.

This Proposal is not expected to impose any significant new burdens on CPOs. Rather, because approximately half of registered CPOs are Mid-Sized or Large CPOs under the current filing regime and will have to answer fewer questions as compared to the current filing requirements, and because the Commission anticipates that CPOs currently classified as Small CPOs will file their NFA Form PQR in lieu of the Revised Form CPO–PQR, it is reasonable for the Commission to infer that the proposed amendments will generally prove to be either less burdensome or without new net burden for all CPOs. The Commission is, however, amending the burden associated with the collection to reflect the increased frequency of filing for all CPOs to quarterly and increasing the hours per filing to reflect the addition of the pool schedule of investments to the questions in Revised Form CPO–PQR that were derived from current Schedule A. Although these proposed amendments result in an increase in the burden hours associated with Revised Form CPO–PQR, the Commission preliminarily expects that, in practice, CPOs will either experience no change in their burden or a decrease in burden.

As discussed above, the Commission is proposing herein to accept the filing of NFA Form PQR in lieu of a filing on Revised Form CPO–PQR. Because under the proposal any data filed on NFA Form PQR would become data collected by the Commission, the burden associated with NFA Form PQR must be included in a collection of information with an OMB control number. Therefore, the Commission is amending the current burden associated with OMB Control Number 3038–0005 to also reflect the burden resulting from NFA Form PQR, which the Commission estimates to be substantively identical to that derived from Revised Form CPO–PQR.

Despite the fact that the Commission is proposing to accept the filing of NFA Form PQR in lieu of a filing on Revised Form CPO–PQR, the Commission preliminarily believes that it is necessary to retain its own form for data collection purposes to ensure that it retains the authority to address its data needs regarding CPOs in the future on a unilateral basis should the need arise. Moreover, given the Commission's preliminary expectation that it would incorporate the information collected on Revised Form CPO–PQR more consistently with its other data streams, the Commission preliminarily believes that retaining its own form independent of NFA's form avoids any appearance of the Commission leveraging NFA to avoid complying with the obligations associated with rulemaking. The Commission also preliminarily believes that doing so will ensure that members of the public will be able to exercise their rights to engage in comment as to the content and structure of the form consistent with the Administrative Procedures Act going forward.[65] Therefore, the Commission has preliminarily concluded that the amendments to Form CPO–PQR proposed herein are not unnecessarily duplicative to information otherwise reasonably accessible to the Commission.

2. Revisions to the Collections of Information: OMB Control Number 3038–0005

Collection 3038–0005 is currently in force with its control number having been provided by OMB, and it was renewed recently on January 30, 2019.[66] As stated above, Collection 3038–0005 governs responses made pursuant to part 4 of the Commission's regulations, pertaining to the operations of CPOs and CTAs, including the required responses of registered CPOs on Form CPO–PQR pursuant to § 4.27. Generally, the Commission is proposing adjustments, discussed below, to the information collection that result in an increase in the burden hours associated with the collection of information on the Revised Form CPO–PQR. The Commission preliminarily believes, however, as previously stated, that CPOs currently categorized as either Mid-Sized or Large CPOs are expected to experience a reduction in burden relative to the current filing requirements under § 4.27 and Form CPO–PQR, and Small CPOs under the current filing requirements are expected to experience no increase in burden because they are currently required to file NFA Form PQR, which includes a schedule of investments that is identical to that under Revised Form CPO–PQR, on a quarterly basis, and, under this proposal, such CPOs would be permitted to file NFA Form PQR in lieu of filing Revised CPO–PQR.

[63] *See* 44 U.S.C. 3501 *et seq.*

[64] *See supra* pt. III.A.

[65] 5 U.S.C. 500 *et. seq.*

[66] *See* Notice of Office of Management and Budget Action, OMB Control No. 3038–0005, *available at https://www.reginfo.gov/public/do/PRAView ICR?ref_nbr=201701-3038-005* (last retrieved July 31, 2018).

The currently approved total burden associated with Collection 3038–0005, in the aggregate, is as follows:

Estimated number of respondents: 45,097.

Annual responses for all respondents: 118,824.

Estimated average hours per response: 3.16.[67]

Annual reporting burden: 375,484.

The portion of the aggregate burden that is derived from the current Form CPO–PQR filing requirements is as follows.

Schedule A (for non-Large CPOs and Large CPOs filing Form PF):

Estimated number of respondents: 1,450.

Annual responses for all respondents: 1,450.

Estimated average hours per response: 6.

Annual reporting burden: 8,700.

Schedule A (for Large CPOs not filing Form PF):

Estimated number of respondents: 250.

Annual responses for all respondents: 1,000.

Estimated average hours per response: 6.

Annual reporting burden: 6,000.

Schedule B (for Mid-Sized CPOs):

Estimated number of respondents: 400.

Annual responses for all respondents: 400.

Estimated average hours per response: 4.

Annual reporting burden: 1,600.

Schedule B (for Large CPOs not filing Form PF):

Estimated number of respondents: 250.

Annual responses for all respondents: 1,000.

Estimated average hours per response: 4.

Annual reporting burden: 4,000.

Schedule C (for Large CPOs not filing Form PF):

Estimated number of respondents: 250.

Annual responses for all respondents: 1,000.

Estimated average hours per response: 18.

Annual reporting burden: 18,000.

The burden associated with NFA Form PQR is as follows:

Estimated number of respondents: 1,700.

Annual responses by each respondent: 6,800.

Estimated average hours per response: 8.

Annual reporting burden: 54,400.

Total annual reporting burden for all CPOs for current Form CPO–PQR and NFA Form PQR: 86, 900.

The Commission is proposing to no longer estimate burden hours according to each individual Schedule of Form CPO–PQR, because, pursuant to the Proposal, Revised Form CPO–PQR will only consist of one schedule. Therefore, the Commission is proposing to simplify the collection for Form CPO–PQR compliance to a single burden hours estimate for each registered CPO completing Revised Form CPO–PQR in its entirety.[68] As noted above, the Commission is also proposing to require that Revised Form CPO–PQR be filed quarterly by each registered CPO, regardless of the size of their operations, which would result in four (4) annual responses by each respondent. Further, in the Commission's experience, the schedule of investments comprised a considerable portion of the burden hours previously associated with completing Schedule B, depending on the complexity of a CPO's operations and the number of pools it operates. Thus, the Commission is proposing an estimated average hours per response to ensure that burden continues to be counted. As noted above, although the estimated hours per response is expected to increase due to the retention of the schedule of investments and the frequency of response will increase as well for Small and Mid-Sized CPOs, as well as those Large CPOs filing Form PF, CPOs should not experience an increase in burden because all CPOs are already required to provide an identical schedule of investments as part of their existing NFA Form PQR filing requirement, which must be submitted on a quarterly basis, and the Commission preliminarily believes that CPOs will continue to make such filing in lieu of the Revised Form CPO–PQR.

Therefore, the Commission estimates the burden to registered CPOs for completing Revised Form CPO–PQR, as proposed herein, and NFA Form PQR, because of the option to file this form in lieu of Revised Form CPO–PQR, to be as follows:

For Revised Form CPO–PQR and NFA Form PQR for All Registered CPOs:

Estimated number of respondents: 1,700.

Annual responses by each respondent: 6,800.

Estimated average hours per response: 8.

Annual reporting burden: 54,400.

The new total burden associated with Collection 3038–0005, in the aggregate, reflecting the adjustment in burden associated with § 4.27 and Revised Form CPO–PQR, is as follows:

Estimated number of respondents: 43,062.

Annual responses for all respondents: 113,980.

Estimated average hours per response: 3.25.

Annual reporting burden: 370,467.

3. Request for Comments on Collection

The Commission invites the public and other Federal agencies to comment on any aspect of the proposed information collection requirements discussed above. Pursuant to 44 U.S.C. 3506(c)(2)(B), the Commission solicits comments in order to (i) evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (ii) evaluate the accuracy of the Commission's estimate of the burden of the proposed collections of information; (iii) determine whether there are ways to enhance the quality, utility, and clarity of the information proposed to be collected; and (iv) minimize the burden of the proposed collections of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology.

Those desiring to submit comments on the proposed information collection requirements should submit them directly to the Office of Information and Regulatory Affairs, OMB, by fax at (202) 395–6566, or by email at *OIRAsubmissions@omb.eop.gov.* Please provide the Commission with a copy of submitted documents, so that all comments can be summarized and addressed in the final rule preamble. Refer to the **ADDRESSES** section of this NPRM for comment submission instructions to the Commission. A copy of the supporting statements for the collections of information discussed above may be obtained by visiting *https://www.RegInfo.gov.* OMB is required to make a decision concerning the collections of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of

[67] The Commission rounded the average hours per response to the second decimal place for ease of presentation.

[68] The Commission is also proposing to accept NFA Form PQR in lieu of Revised Form CPO–PQR filing requirement, which the Commission has designed purposefully to be very similar. *See supra* pt. III.B. The PRA estimates proposed herein assume that all registered CPOs will either file Revised Form CPO–PQR on a quarterly basis, or NFA Form PQR, but in no event will a CPO be required to file both.

having its full effect if OMB receives it within 30 days of publication.

C. Cost-Benefit Considerations

Section 15(a) of the CEA requires the Commission to consider the costs and benefits of its discretionary actions before promulgating a regulation under the CEA or issuing certain orders.[69] Section 15(a) further specifies that the costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of swaps markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission considers the costs and benefits resulting from its discretionary determinations with respect to the CEA section 15(a) considerations.

As discussed above, the Commission is proposing amendments to Form CPO–PQR that would significantly reduce the amount of reporting required thereunder. Specifically, the proposal would: (1) Eliminate the pool-specific reporting requirements in existing Schedules B and C of Form CPO–PQR, other than the pool schedule of investments (question 6 of Schedule B); (2) amend the information in existing Schedule A of the form to request LEIs for CPOs and their operated pools and to eliminate questions regarding the pool's auditors and marketers; (3) require all CPOs to submit all information retained in Revised Form CPO–PQR on a quarterly basis; and (4) allow CPOs to file NFA Form PQR in lieu of filing the Revised Form CPO–PQR, to the extent NFA Form PQR is amended to include LEIs. In the sections that follow, the Commission considers the various costs and benefits associated with each of aspect of the proposal. The baseline against which these costs and benefits are compared is the regulatory *status quo,* represented by Form CPO–PQR as currently codified in appendix A to part 4.

The consideration of costs and benefits below is based on the understanding that the markets function internationally, with many transactions involving U.S. firms taking place across international boundaries; with some Commission registrants being organized outside of the United States; with some leading industry members typically conducting operations both within and outside the United States; and with industry members commonly following substantially similar business practices wherever located. Where the Commission does not specifically refer to matters of location, the discussion of costs and benefits below refers to the effects of this proposal on all activity subject to the proposed and amended regulations, whether by virtue of the activity's physical location in the United States or by virtue of the activity's connection with or effect on U.S. commerce under CEA section 2(i).[70] Some CPOs are located outside of the United States.

1. Elimination of Pool-Specific Reporting Requirements in Schedules B and C

The Commission is proposing to eliminate the pool-specific reporting requirements in existing Schedules B and C of Form CPO–PQR, other than the pool schedule of investments (question 6 of Schedule B). The Commission acknowledges that this change, if adopted, could result in less information available to the Commission and, potentially, to FSOC. The detailed and specific information requested in Schedules B and C of Form CPO–PQR is not available to the Commission through any other of its data streams and, if put to its full use, would allow for monitoring of CPOs and their operated pools in a way that could help identify trends and points of stress. A main reason for the Commission's proposal to eliminate collection of this information stems from the challenges associated with the data set, including that it is only reported to the Commission on a quarterly basis, at its most frequent. Given the limitations associated with the data collected, the Commission has prioritized its limited resources to pursue other key regulatory initiatives.

However, considering the alternate data streams currently available to the Commission, the Commission preliminarily believes that the Commission could nevertheless effectively exercise its oversight of CPOs and their operated pools and potentially do so in a more efficient manner if Revised Form CPO–PQR were adopted as proposed. Furthermore, the Commission notes that, due in part to the identified data quality issues, FSOC has never received any Form CPO–PQR data; however, the Commission acknowledges that FSOC may receive less data as a result of the proposal, as some CPOs that are filing CFTC-only pool information through Form PF may stop doing so should this proposal be adopted as final. The Commission does not, however, believe that FSOC's monitoring abilities would be materially affected compared to the current *status quo* should Schedules B and C largely be eliminated.

The Commission's proposal to eliminate these reporting requirements would also reduce the ongoing variable compliance costs for Mid-Sized and Large CPOs, as they would no longer need to devote resources to compiling and reporting this data. Nor would CPOs be required to monitor their AUM with the specific purpose of determining their filing obligations as there would be a single requirement for all CPOs. It is possible that such cost savings may allow those CPOs to devote resources to other compliance or operational initiatives, or to potentially pass them on to pool participants through reduced fees. These cost savings would be minimized, however, for any CPO that is dually registered with the SEC and required to file Form PF, which requires reporting of information substantially similar to that required in Schedules B and C of current Form CPO–PQR. Additionally, the proposal would not alleviate any fixed costs affected CPOs may have already spent in developing systems and procedures designed to meet the reporting requirements in Schedules B and C, particularly if, again, such CPOs are also required to file Form PF.

2. Revised Form CPO–PQR

The proposal would amend the information in existing Schedule A of the form to request LEIs for CPOs and their operated pools. The addition of this question would allow the Commission to be able to integrate the data provided in Revised Form CPO–PQR with the Commission's other more current data streams. Leveraging these other data sources would enable the Commission to continue its oversight and monitoring of counterparty risk and liquidity risk for some of the largest pools within the Commission's jurisdiction, thereby focusing on areas that are relevant for assessing market and systemic risk, while eliminating the burden associated with the collection of the more detailed information in current Schedules B and C, particularly with respect to pools that may meet the current Large Pool threshold in the future. The addition of this field should create a one-time cost for CPOs required to file Revised Form CPO–PQR, as LEIs do not change over time, potentially allowing fields for those questions to be prepopulated for subsequent filings.

The proposal would further eliminate questions regarding the pool's auditors and marketers. This amendment will result in reduced reporting costs for reporting CPOs while not affecting the

[69] 7 U.S.C. 19(a).

[70] 7 U.S.C. 2(i).

scope of information available to the Commission, as the Commission already receives information regarding CPO's accountants and has alternate means of obtaining information about a pool's marketers. For example, persons soliciting for pool participation units are typically either associated persons of the CPO or registered representatives of a broker dealer. Such persons are subject to regulation by either the Commission and NFA, or the SEC and FINRA.

Currently, all CPOs other than Large CPOs submit the information in Schedule A on an annual basis. Increasing the frequency of reporting of this information will assist the Commission in its efforts to integrate Revised Form CPO–PQR with the Commission's other more timely data sources, so as to improve the effectiveness of its ability to monitor and oversee the activities of CPOs and their operated pools. Although this would result in an increased regulatory cost for Small and Mid-Sized CPOs compared to the regulatory *status quo,* the costs as actually realized by these CPOs may not be as significant, as they are already reporting this information on a quarterly basis to NFA via NFA Form PQR.

Under current Form CPO–PQR, only Mid-Sized and Large CPOs are required to submit a pool schedule of investments, and Mid-Sized CPOs only submit that information annually. The proposal would require all CPOs to submit that information quarterly. The Commission believes that receiving this information from all CPOs and more frequently would, when combined with the proposed LEI requirements, further enhance its ability to integrate the information in Revised CPO–PQR with its other more current data streams and identify trends on a more timely basis, with the ultimate goal of supporting its oversight and monitoring of CPOs and their operated pools for market and systemic risk. As with the change in reporting frequency for the information in Schedule A, this change would result in an increased regulatory cost compared to the regulatory *status quo* for Small and Mid-Sized CPOs, as Small CPOs would be required to develop the procedures and systems necessary to take on the additional reporting obligations for the pool schedule of investments and both Small and Mid-Sized CPOs would now report that information on a quarterly basis. However, all CPOs are already required to report this information on a quarterly basis to NFA via NFA Form PQR, meaning the actual costs as realized by these CPOs may not be as significant.

The proposal would allow CPOs to file NFA Form PQR in lieu of filing the Revised Form CPO–PQR, to the extent NFA Form PQR is amended to include LEIs, as the Commission understands NFA has planned. Under NFA's rules, all CPOs regardless of size are currently required to file NFA Form PQR on a quarterly basis. This provision would therefore operate to help CPOs maintain their current filing costs without affecting the scope of information available to the Commission under Revised Form CPO–PQR.

As mentioned above, the Commission acknowledges that, through the proposed revision of § 4.27(d), the proposal could result in less data being collected on Form PF as compared to the current *status quo.* Many dually registered CPOs currently include commodity pools that are not private funds in data that they report on Form PF, in lieu of a filing on Form CPO–PQR for such pools, in reliance on § 4.27(d). If § 4.27(d) is revised, these CPOs could decide to stop including these pools in their Form PF filing. The Commission preliminarily believes, however, that this loss of data to the SEC and FSOC would not meaningfully impact the efficacy and intent of Form PF in furthering the oversight of the private fund industry, given that it would only result in the loss of data with respect to non-private fund pools; however, the Commission acknowledges that FSOC may lose data for a specific type of private fund asset class, managed futures.

3. Alternatives

In lieu of amending Form CPO–PQR as proposed, the Commission could require all CPOs, regardless of whether they are dually registered, to file Form PF. The Commission preliminarily believes that this alternative could operate to increase the reporting burdens for CPOs that are not dually registered with the SEC without feeding information directly to the Commission that could be integrated with its other data sources to develop its internal oversight initiatives over CPOs and their operated pools.

Alternatively, the Commission could devote resources to rectifying the challenges with the data reported under current Form CPO–PQR, and amend the Form to require greater consistency and frequency of reporting of the data fields proposed to be eliminated in this proposal. However, the Commission preliminarily believes that its limited resources could be better directed in line with its regulatory priorities, and that its objectives with respect to oversight of CPOs and their operated pools could be effectively and potentially, more efficiently, achieved through integration with existing data streams.

The Commission preliminarily believes that the proposed changes to Form CPO–PQR, relative to the alternatives, would permit the Commission to discharge its regulatory duties with respect to CPOs and their operated pools that might have the greatest impact on market and systemic risk while easing reporting obligations on a significant number of CPOs. The Commission requests comments and data on how potential alternatives would impact the potential costs and benefits to market participants and the public. Are there any other alternatives that may provide preferable costs or benefits than the costs and benefits related to the Proposal?

4. Section 15(a) Factors

a. Protection of Market Participants and the Public

The Commission preliminarily believes that the proposal would enhance the ability of the Commission to protect derivatives markets, its participants, and the public by allowing it to integrate the data provided in Revised Form CPO–PQR with other existing, more up-to-date, data streams in a way that would allow the Commission to better exercise its oversight of CPOs and their operated pools. The Commission notes that the amendments proposed herein could result in a loss of data available to FSOC, which could limit FSOC's visibility into the activities of CPOs and their operated pools.

b. Efficiency, Competitiveness, and Financial Integrity of Markets

The Commission preliminarily believes that the proposal would assist the Commission in its efforts to support market efficiency, competitiveness, and financial integrity. Under the proposal, CPOs would continue to provide useful information about themselves and their pools to the Commission in a way that it could incorporate with other data streams to improve its oversight of CPOs, their pools, and how they operate within and affect the derivatives markets. Additionally, the Commission preliminarily believes that the specific requirement that a CPO prepare a pool schedule of investments on a quarterly basis for each of its operated pools could result in heightened diligence by the CPO with respect to the pools' ongoing operations and encourage particularly smaller CPOs to adopt more formalized controls for their businesses,

which the Commission preliminarily believes would enhance the confidence of other market participants in transacting with CPOs and their operated pools.

c. Price Discovery

The Commission has not identified any impact that the Proposal would have on price discovery.

d. Sound Risk Management Practices

Although the Commission is proposing that it no longer require CPOs and their operated pools to report certain risk information, the Commission recognizes that CPOs will likely continue to benefit from possessing systems that collect and review risk-related information. The Commission has not identified any other impact that the Proposal would have on sound risk management practices.

e. Other Public Interest Considerations

The Commission has not identified any impact on any other public interest considerations that the Proposal would have, but seeks public comment on any public interest the Commission should consider in this rulemaking.

5. Request for Comments

The Commission invites public comment on its cost-benefit considerations, including the Section 15(a) factors described above. Commenters are invited to submit with their comment letters any data or other information that they may have that quantifies the costs and benefits of the Proposal. In addition, the Commission invites the public comment on the following questions.

1. Has the Commission misidentified any costs or benefits? If so, please explain.

2. Please explain whether CPO compliance costs would increase or decrease as a result of reduced reporting requirements in this Proposal? Please provide all quantitative and qualitative costs, including, but not limited to personnel costs and technological costs.

3. Would harmonization of Form CPO–PQR with other similar forms, such as Form PF, provide a greater savings in compliance costs? If so, please describe all quantitative and qualitative savings. Please provide all quantitative and qualitative costs, including, but not limited to personnel costs and technological costs.

D. Antitrust Laws

Section 15(b) of the CEA requires the Commission to take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the purposes of the CEA, in issuing any order or adopting any Commission rule or regulation (including any exemption under CEA section 4(c) or 4c(b)), or in requiring or approving any bylaw, rule, or regulation of a contract market or registered futures association established pursuant to section 17 of this Act.[71]

The Commission preliminarily believes that the public interest to be protected by the antitrust laws is generally to protect competition. The Commission requests comment on whether the Proposal implicates any other specific public interest to be protected by the antitrust laws.

The Commission has considered the Proposal to determine whether it is anticompetitive and has preliminarily identified no anticompetitive effects. The Commission requests comment on whether the Proposal is anticompetitive and, if it is, what the anticompetitive effects are.

Because the Commission has preliminarily determined that the Proposal is not anticompetitive and has no anticompetitive effects, the Commission has not identified any less anticompetitive means of achieving the purposes of the Act. The Commission requests comment on whether there are less anticompetitive means of achieving the relevant purposes of the Act that would otherwise be served by adopting the Proposal.

List of Subjects in 17 CFR Part 4

Advertising, Brokers, Commodity futures, Commodity pool operators, Commodity trading advisors, Consumer protection, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Commodity Futures Trading Commission proposes to amend 17 CFR part 4 as set forth below:

PART 4—COMMODITY POOL OPERATORS AND COMMODITY TRADING ADVISORS

■ 1. The authority citation for part 4 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 6(c), 6b, 6c, 6l, 6m, 6n, 6o, 12a, and 23.

■ 2. Amend § 4.27 by revising paragraphs (c)(1) and (d) to read as follows:

§ 4.27 Additional reporting by commodity pool operators and commodity trading advisors.

* * * * *

(c) * * *

(1) Each reporting person shall file with the National Futures Association, a report with respect to the directed assets of each pool under the advisement of the commodity pool operator consistent with appendix A to this part or commodity trading advisor consistent with appendix C to this part; *Provided that,* a commodity pool operator required to file NFA Form PQR with the National Futures Association for the reporting period may make such filing in lieu of the report required under this section consistent with appendix A to this part.

* * * * *

(d) *Investment advisers to private funds.* CPOs and CTAs that are dually registered with the Securities and Exchange Commission, and that are required to file Form PF under the rules promulgated under the Investment Advisers Act of 1940, shall file Form PF with the Securities and Exchange Commission. Dually registered CPOs and CTAs that file Form PF with the Securities and Exchange Commission will be deemed to have filed Form PF with the Commission for purposes of any enforcement action regarding any false or misleading statement of a material fact in Form PF.

* * * * *

■ 3. Revise appendix A to part 4 to read as follows:

Appendix A to Part 4—Form CPO–PQR

BILLING CODE 6351–01–P

[71] 7 U.S.C. 19(b).

TEMPLATE: DO NOT SEND TO NFA

COMMODITY FUTURES TRADING COMMISSION	CFTC Form CPO-PQR OMB No.: 3038-XXXX

CFTC FORM CPO-PQR REPORT FOR COMMODITY POOL OPERATORS

Instructions for Using the Form CPO-PQR

READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING OR REVIEWING THE REPORTING FORM.

This document is not a reporting form. Do not send this document to NFA. It is a template that you may use to assist in filing the electronic reporting form with the NFA at: *http://www.nfa.futures.org*.

You may fill out the template online and save and/or print it when you are finished or you can download the template and/or print it and fill it out later.

DEFINED TERMS

Words that are underlined in this form are defined terms and have the meanings contained in the Definitions of Terms section.

GENERAL

Read the Instructions and Questions Carefully

Please read the instructions and the questions in this Form CPO-PQR carefully.

In this Form CPO-PQR, "you" means the CPO.

Call the CFTC with Questions

If there is any question about whether particular information must be provided or about the manner in which particular information must be provided, contact the CFTC for clarification.

TEMPLATE: DO NOT SEND TO NFA

CFTC FORM CPO-PQR REPORT FOR COMMODITY POOL OPERATORS
Instructions for Using the Form CPO-PQR

REPORTING INSTRUCTIONS

1. All CPOs Are Required to Complete and File the Form CPO-PQR

All CPOs are required to complete and file a Form CPO-PQR for each Reporting Period during which they satisfy the definition of CPO and operate at least one Pool. Further, if a pool is operated by Co-CPOs and one of them is an Investment Adviser, the non-Investment Adviser CPO must file relevant section(s) even though a Form PF was filed for that pool by the Investment Adviser CPO.

2. Relationship to the National Futures Association's Form PQR

To the extent that a CPO has timely filed the National Futures Association's Form PQR, such filing shall be deemed to satisfy this Form CPO-PQR.

Form CPO-PQR must be completed and filed by each CPO for every Reporting Period during which they satisfy the definition of CPO and operate at least one Pool. All CPOs must complete and file Form CPO-PQR within 60 days of the close of the most recent Reporting Period. The information provided herein should be as of the last business day of the reporting period.

Part 1 of Form CPO-PQR surveys basic information about the reporting CPO. Part 2 of Form CPO-PQR asks for more specific information about each of the CPO's Pools, including questions about the Pool's key relationship and about the Pool's investment positions.

3. The CPO May Be Required to Aggregate Information Concerning Certain Types of Pools

For the parts of Form CPO-PQR that request information about individual Pools, you must report aggregate information for Parallel Managed Accounts and Master Feeder Arrangements as if each were an individual Pool, but not Parallel Pools. Assets held in Parallel Managed Accounts should be treated as assets of the Pools with which they are aggregated.

4. I advise a Pool that invests in other Pools or funds (e.g., a "fund of funds"). How should I treat these investments for purposes of Form CPO-PQR?

Investments in other Pools generally. For purposes of this Form CPO-PQR, you may disregard any Pool's equity investments in other Pools. However, if you disregard these investments, you must do so consistently (e.g., do not include disregarded investments in the net asset value used for determining whether the fund is a "Qualifying Pool"). For Question 9, even if you disregard these assets, you may report the performance of the entire Pool and are not required to recalculate performance in order to exclude these investments. Do not disregard any liabilities, even if incurred in connection with these investments.

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CFTC FORM CPO-PQR REPORT FOR COMMODITY POOL OPERATORS
Instructions for Using the Form CPO-PQR

Pools that invest substantially all of their assets in other Pools or funds. If you are the CPO for a Pool that: (i) invests substantially all of its assets in the equity of Pools or Private Funds for which you are not the CPO; and (ii) aside from such Pool or Private Fund investments, holds only cash and cash equivalents and instruments acquired for the purpose of hedging currency exposure, then you are only required to complete Schedule A for that Pool. For all other purposes, you should disregard such Pools. For example, where questions request aggregate information regarding the Pools you advise, do not include the assets or liabilities of any such Pool.

Notwithstanding the foregoing, you must include disregarded assets in responding to Question 8.

5. I am required to aggregate funds or accounts to determine whether I meet a reporting threshold, or I am electing to aggregate funds for reporting purposes. How do I "aggregate" funds or accounts for these purposes?

Where two or more Parallel Pool Structures or Master-Feeder Arrangements are aggregated in accordance with Instruction 3, you must treat the aggregated funds as if they were all one Pool. Investments that a Feeder Fund makes in a Master Fund should be disregarded, but other investments of the feeder fund should be treated as though they were investments of the aggregated fund.

Where you are aggregating dependent parallel managed accounts to determine whether you meet a reporting threshold, assets held in the accounts should be treated as assets of the Pools with which they are aggregated.

Example 1. You advise a master-feeder arrangement with one feeder fund. The feeder fund has invested $500 in the master fund and holds a foreign exchange derivative with a notional value of $100. The master fund has used the $500 received from the feeder fund to invest in corporate bonds. Neither fund has any other assets or liabilities.

For purposes of determining whether the funds comprise a qualifying Pool, this master-feeder arrangement should be treated as a single Pool whose only investments are $500 in *corporate bonds* and a foreign exchange derivative with a notional value of $100. If you elect to aggregate the master-feeder arrangement for reporting purposes, the treatment would be the same.

Example 2. You advise a parallel pool structure consisting of two pools, named parallel pool A and parallel pool B. You also advise a related dependent parallel managed account. The account and each fund have invested in corporate bonds of Company X and have no other assets or liabilities. The value of parallel pool A's investment is $400, the value of parallel pool B's investment is $300 and the value of the account's investment is $200.

For purposes of determining whether either of the parallel pools is a qualifying Pool, the entire parallel fund structure and the related dependent parallel managed account should be treated as a single Pool whose only asset is $900 of corporate bonds issued by Company X.

If you elect to aggregate the parallel fund structure for reporting purposes, you would disregard the dependent parallel managed account, so the result would be a single Pool whose only asset is $700 of corporate bonds issued by Company X.

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CFTC FORM CPO-PQR REPORT FOR COMMODITY POOL OPERATORS
Instructions for Using the Form CPO-PQR

6. I advise a Pool that invests in entities that are not Pools, *or* are exempt. How should I treat these investments for purposes of Form CPO-PQR?

Except as provided in Instruction 4, investments in funds should be included for all purposes under this Form CPO-PQR. You are not, however, required to "look through" a Pool's investments in any other entity unless the Form CPO-PQR specifically requests information regarding that entity or the other entity's primary purpose is to hold assets or incur leverage as part of the Pool's investment activities.

7. The Form CPO-PQR Must Be Filed Electronically with NFA

All CPOs must file their Forms CPO-PQR electronically using NFA's EasyFile System. NFA's EasyFile System can be accessed through NFA's website at www.nfa.futures.org. You will use the same logon and password for filing your Form CPO-PQR as you would for any other EasyFile filings. Questions regarding your NFA ID# or your use of NFA's EasyFile system should be directed to the NFA. The NFA's contact information is available on its website.

8. All Figures Reported in U.S. Dollars

All questions asking for amounts or investments must be reported in U.S. dollars. Any amounts converted to U.S. dollars must use the conversion rate in effect on the Reporting Date.

9. Use of U.S. GAAP

All financial information in this Report must be presented and computed in accordance with GAAP consistently applied.

10. Reporting of Legal Entity Identifiers (LEIs)

Form CPO-PQR includes questions asking CPOs for LEIs for the CPO and its operated Pools. CPOs are NOT required to obtain LEIs for themselves or their operated Pools if such CPOs or Pools are not otherwise required to have them.

11. Oath and Affirmation

This Form CPO-PQR will not be accepted unless it is complete and contains an oath or affirmation that, to the best of the knowledge and belief of the individual making the oath or affirmation, the information contained in the document is accurate and complete; provided however, that is shall be unlawful for the individual to make such oath or affirmation if the individual knows or should know that any of the information in this Form CPO-PQR is not accurate and complete.

TEMPLATE: DO NOT SEND TO NFA

CFTC FORM CPO-PQR REPORT FOR COMMODITY POOL OPERATORS
Form CPO-PQR Template

DEFINITIONS OF TERMS

Affiliated Entity: The term "Affiliated Entity" means any entity is an affiliate of another entity. An entity is an affiliate of another entity if the entity directly or indirectly controls, is controlled by or is under common control with the other entity.

Assets Under Management or AUM: The term "Assets Under Management" or "AUM" means the amount of all assets that are under the control of the CPO.

BP: The term "BP" means basis points.

Broker: The term "Broker" means any entity that provides clearing, prime brokerage or similar services to the Pool.

CDS: The term "CDS" means credit default swap.

CCP: The term "CCP" means a central counterparty or central clearing house, such as, but not limited to: CC&G, CME Clearing, The Depository Trust & Clearing Corporation (including FICC, NSCC and Euro CCP), EMCF, Eurex Clearing, Fedwire, ICE Clear Europe, ICE Clear U.S., ICE Trust, LCH Clearnet Limited, LCH Clearnet SA, Options Clearing Corporation and SIX x-clear.

Commodity Futures Trading Commission or CFTC: The term "Commodity Futures Trading Commission" or "CFTC" means the United States Commodity Futures Trading Commission.

Commodity Pool or Pool: The term "Commodity Pool" or "Pool" has the same meaning as "commodity pool" as defined in section 1a(10) of the Commodity Exchange Act.

Commodity Pool Operator or CPO: The term "commodity pool operator" or "CPO" has the same meaning as "commodity pool operator" defined in section 1a(11) of the Commodity Exchange Act.

Commodity Trading Advisor or CTA: The term "commodity trading advisor" or "CTA" has the same meaning as "commodity trading adviser" as defined in section 1a(12) of the Commodity Exchange Act.

Feeder Fund: See Master-Feeder Arrangement.

Financial Institution: The term "financial institution" means any of the following: (i) a bank or savings association, in each case as defined in the Federal Deposit Insurance Act; (ii) a bank holding company or financial holding company, in each case as defined in the Bank Holding Company Act of 1956; (iii) a savings and loan holding company, as defined in the Home Owners' Loan Act; (iv) a Federal credit union, State credit union or State-chartered credit union, as those terms are defined in section 101 of the Federal Credit Union Act; (v) a Farm Credit System institution chartered and subject to the provisions of the Farm Credit Act of 1971; or (vi) an entity chartered or otherwise organized outside the United States that engages in banking activities.

TEMPLATE: DO NOT SEND TO NFA

CFTC FORM CPO-PQR REPORT FOR COMMODITY POOL OPERATORS
Form CPO-PQR Template

Form CPO-PQR: The term "Form CPO-PQR" means this Form CPO-PQR.

Form PF: The term "Form PF" refers to the Form PF.

GAAP: The term "GAAP" means U.S. Generally Accepted Accounting Principles.

Investment Adviser: The term "Investment Adviser" has the same meaning as "investment adviser" as defined in Section 202(a)(11) of the Investment Advisers Act of 1940.

LEI: The term "LEI" means legal entity identifier as defined in Commission Rule 45.6.

Master Fund: See Master-Feeder Arrangement.

Master-Feeder Arrangement: The phrase "Master-Feeder Arrangement" means an arrangement in which one or more funds ("Feeder Funds") invest all or substantially all of their assets in a single fund ("Master Fund"). A fund would also be a Feeder Fund investing in a Master Fund for the purposes of this definition if it issued multiple classes or series of shares or interests and each class (or series) invests substantially all of its assets in shares (or other interests in) a single underlying Master Fund.

National Futures Association or NFA: The term "National Futures Association" or "NFA" refers to the National Futures Association, a registered futures association under Section 17 of the Commodity Exchange Act.

Negative OTE: The term "Negative OTE" means negative open trade equity.

Net Asset Value or NAV: The term "Net Asset Value" or "NAV" has the same meaning as "net asset value" as defined in Commission Rule 4.10(b).

Non-U.S. Financial Institution: A "non-U.S. Financial Institution" means any of the following Financial Institutions: (i) a Financial Institution chartered outside the United States; (ii) a subsidiary of a U.S. Financial Institution that is separately incorporated or otherwise organized outside the United States; or (iii) a branch or agency that resides in the United States but has a parent that is a Financial Institution chartered outside the United States.

OTC: The term "OTC" means over-the-counter.

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Form CPO-PQR Template

Parallel Managed Account: The term "Parallel Managed Account" means any managed account or other pool of assets that the CPO operates and that pursues substantially the same investment objective and strategy and invests side-by-side in substantially the same assets as the identified Pool.

Parallel Pool Structure: The term "Parallel Pool Structure" means any structure in which one or more Pools pursues substantially the same investment objective and strategy and invests side by side in substantially the same assets as another Pool.

Private Fund: The term "Private Fund" has the same meaning as "private fund" as defined in Form PF.

Positive OTE: The term "Positive OTE" means positive open trade equity.

Reporting Date: The term "Reporting Date" means the last calendar day of the Reporting Period for which this Form CPO-PQR is required to be completed and filed. For example, the Reporting Date for the first calendar quarter of a year is March 31; the Reporting Date for the second calendar quarter is June 30.

Reporting Period: The term "Reporting Period" means any of the individual calendar quarters (ending March 31, June 30, September 30, and December 31) for all CPOs.

Trading Manager: The term "Trading Manager" means any entity or individual with sole or partial authority to invest Pool assets or to allocate Pool assets to other managers or investee Pools (including cash management firms). CTAs and other CPOs can be Trading Managers; however, a CPO should not identify itself as a Trading Manager.

Secured Borrowing: The term "Secured Borrowing" means obligations for borrowed money in respect of which the borrower has posted collateral or other credit support. For purposes of this definition, repos are secured borrowings.

Securities and Exchange Commission or SEC: The term "Securities and Exchange Commission" or "SEC" means the United States Securities and Exchange Commission.

Side Arrangements and Side Letters: The term "Side Arrangements" or the term "Side Letters" means any arrangement that is extended to less than 100% of the Pool's participants.

U.S. Financial Institution: The term "U.S. Financial Institution" means any of the following Financial Institutions: (i) a Financial Institution chartered in the United States (whether federally-chartered or state-chartered); (ii) a subsidiary of a Non-U.S. Financial Institution that is separately incorporated or otherwise organized in the United States; or (iii) a branch or agency that resides outside the United States but has a parent that is a Financial Institution chartered in the United States.

Unsecured Borrowing: The term "Unsecured Borrowing" means obligations for borrowed money in respect of which the borrower has not posted collateral or other credit support.

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INSTRUCTIONS FOR COMPLETING SCHEDULE A

Every CPO is required to complete and file Schedule A of this Form CPO-PQR. This Schedule A must be completed for every Reporting Period during which the CPO operated at least one Pool. Part 1 of Schedule A asks for information about the CPO. Part 2 of Schedule A asks for information about each individual Pool that the CPO operated during the Reporting Period. CPOs must complete and file a separate Part 2 for each Pool they operated any time during the Reporting Period.

Unless otherwise specified in a particular question, all information provided in this Schedule A should be accurate as of the Reporting Date.

PART 1 · INFORMATION ABOUT THE CPO

1. CPO INFORMATION

Provide the following general information concerning the CPO:

a. CPO's Name:

b. CPO's NFA ID#:

c. CPO's LEI ID#:

d. Person to contact concerning this Form CPO-PQR:

e. CPO's chief compliance officer:

f. Total number of employees of the CPO:

g. Total number of equity holders of the CPO:

h. Total number of Pools operated by the CPO:

i. Telephone number and email for person identified in c. above

2. CPO ASSETS UNDER MANAGEMENT

Provide the following information concerning the amount of Assets Under Management by the CPO:

a. CPO's Total Assets Under Management:

b. CPO's Total Net Assets Under Management:

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PART 2 · INFORMATION ABOUT THE POOLS OPERATED BY THE CPO

REMINDER: The CPO must complete and file a separate Part 2 for each Pool that the CPO operated during the Reporting Period.

3. POOL INFORMATION

Provide the following general information concerning the Pool:

a. CPO's Name:

b. CPO's NFA ID#:

c. CPO's LEI ID#:

d. Pool's Name:

e. Pool's NFA ID#:

f. Pool's LEI ID#:

4. POOL THIRD PARTY ADMINISTRATORS

Provide the following information concerning the Pool's third party administrator(s):

a. Does the CPO use third party administrators for the Pool?

If "Yes," provide the following information for each third party administrator:

i. Name of the administrator:

ii. NFA ID# of administrator:

iii. Address of the administrator:

iv. Telephone number of the administrator:

v. Starting date of the relationship with the administrator:

vi. Services performed by the administrator:

Preparation of Pool financial statements:

Maintenance of the Pool's books and records:

Calculation of Pool's performance:

Other:

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5. POOL BROKERS

Provide the following information concerning the Pool's Broker(s):

a. Does the CPO use Brokers for the Pool?

If "Yes," provide the following information for each Broker:

i. Name of the Broker:

ii. NFA ID# of Broker:

iii. Address of Broker

iv. Telephone number of the Broker:

v. Starting date of the relationship with the Broker:

vi. Services performed by the Broker:

Clearing services for the Pool: Custodian services for some or all Pool assets:

Prime brokerage services for the Pool: Other:

6. POOL TRADING MANAGERS

Provide the following information concerning the Pool's Trading Manager(s):

a. Has the CPO authorized Trading Managers to invest or allocate some or all of the Pool's Assets Under Management?

If "Yes," provide the following information for each Trading Manager:

i. Name of the Trading Manager:

ii. NFA ID# of the Trading Manager:

iii. Address of the Trading Manager:

iv. Telephone number of the Trading Manager:

v. Starting date of the relationship with the Trading Manager:

vi. What percentage of the Pool's Assets Under Management does the Trading Manager have authority to invest or allocate?

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7. POOL CUSTODIANS

Provide the following information concerning the Pool's custodian(s):

a. Does the CPO use custodians to hold some or all of the Pool's Assets Under Management?

If "Yes," provide the following information for each custodian:

i. Name of the custodian:

ii. NFA ID# of the custodian:

iii. Address of the custodian:

iv. Telephone number of the custodian:

v. Starting date of the relationship with the custodian:

vi. What percentage of the Pool's Assets Under Management is held by the custodian?

8. POOL'S STATEMENT OF CHANGES CONCERNING ASSETS UNDER MANAGEMENT

Provide the following information concerning the Pool's activity during the Reporting Period. For the purposes of this question:

a. The Assets Under Management and Net Asset Value at the beginning of the Reporting Period are considered to be the same as the assets under management and Net Asset Value at the end of the previous Reporting Period, in accordance with Commission Rule 4.25(a)(7)(A).

b. The additions to the Pool include all additions whether voluntary or involuntary in accordance with Commission Rule 4.25(a)(7)(B).

c. The withdrawals and redemptions from the Pool include all withdrawals or redemptions whether voluntary or not, in accordance with Commission Rule 4.25(a)(7)(C).

d. The Pool's Assets Under Management and Net Asset Value on the Reporting Date must be calculated by adding or subtracting from the Assets Under Management and Net Asset Value at the beginning of the Reporting Period, respectively, any additions, withdrawals, redemptions and net performance, as provided in Commission Rule 4.25(a)(7)(E).

i. Pool's Assets Under Management at the beginning of the Reporting Period:

ii. Pool's Net Asset Value at the beginning of the Reporting Period:

iii. Pool's net income during the Reporting Period:

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iv. Additions to the Pool during the Reporting Period:

v. Withdrawals and Redemptions from the Pool during the Reporting Period:

vi. Pool's Assets Under Management on the Reporting Date:

vii. Pool's Net Asset Value on the Reporting Date:

viii. Pool's base currency:

9. POOL'S MONTHLY RATES OF RETURN

Provide the Pool's monthly rate of return for each month that the Pool has operated. The Pool's monthly rate of return should be calculated in accordance with Commission Rule 4.25(a)(7)(F). Provide the Pool's annual rate of return for the appropriate year in the row marked "Annual."

	2011	2010	2009	2008	2007	2006	2005
Jan.							
Feb.							
March							
April							
May							
June							
July							
August							
Sept.							
Oct.							
Nov.							
Dec.							
ANNUAL							

10. POOL SUBSCRIPTIONS AND REDEMPTIONS

Provide the following information concerning subscriptions to and redemptions from the Pool during the Reporting Period.

a. Has the Pool imposed a halt or any other material limitation on redemptions during the Reporting Period?

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If "Yes," provide the following information:

i. On what date was the halt or material limitation imposed?

ii. If the halt or material limitation has been lifted, on what date was it lifted?

iii. What disclosure was provided to participants to notify them that the halt or material limitation was being imposed? What disclosure was provided to participants to notify them that the halt or material limitation was being lifted?

iv. On what date(s) was this disclosure provided?

11. POOL SCHEDULE OF INVESTMENTS

Provide the Pool's investments in each of the subcategories listed under the following seven headings: (1) Cash; (2) Equities; (3) Alternative Investments; (4) Fixed Income; (5) Derivatives; (6) Options; and (7) Funds. First, determine how the Pool's investments should be allocated among each of these seven categories. Once you have determined how the Pool's investments should be allocated, enter the dollar value of the Pool's total investment in each applicable category on the top, boldfaced line. For example, under the "Cash" heading, the Pool's total investment should be listed on the line reading "Total Cash." After the top, boldfaced line is completed, proceed to the subcategories. For each subcategory, determine whether the Pool has investments that equal or exceed 5% of the Pool's Net Asset Value. If so, provide the dollar value of each such investment in the appropriate subcategory. If the dollar value of any investment in a subcategory equals or exceeds 5% of the Pool's Net Asset Value, you must itemize the investments in that subcategory.

CASH

Total Cash

At Carrying Broker

At Bank

EQUITIES	**Long**	**Short**
Total Listed Equities		
Stocks		
a. Energy and Utilities		
b. Technology		
c. Media		

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d. Telecommunication

e. Healthcare

f. Consumer Services

g. Business Services

h. Issued by Financial Institutions

i. Consumer Goods

j. Industrial Materials

Exchange Traded Funds

American Deposit Receipts

Other

Total Unlisted Equities

Unlisted Equities Issued by Financial Institutions

ALTERNATIVE INVESTMENTS	Long	Short
Total Alternative Investments		
Real Estate		
a. Commercial		
b. Residential		
Private Equity		
Venture Capital		
Forex		
Spot		
a. Total Metals		
i. Gold		
b. Total Energy		
i. Crude oil		
ii. Natural gas		
iii. Power		

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c. Other

Loans to Affiliates

Promissory Notes

Physicals

a. Total Metals

i. Gold

b. Agriculture

c. Total Energy

i. Crude oil

ii. Natural gas

iii. Power

Other

FIXED INCOME	Long	Short
Total Fixed Income		
Notes, Bonds and Bills		
a. Corporate		
i. Investment grade		
ii. Non-investment grade		
b. Municipal		
c. Government		
i. U.S. Treasury securities		
ii. Agency securities		
iii. Foreign (G10 countries)		
iv. Foreign (all other)		
d. Gov't Sponsored		
e. Convertible		
i. Investment grade		
ii. Non-investment grade		

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Certificates of Deposit

a. U.S.

b. Foreign

Asset Backed Securities

a. Mortgage Backed Securities

i. Commercial Securitizations
   A. Senior or higher
   B. Mezzanine
   C. Junior/Equity

ii. Commercial Resecuritizations
   A. Senior or higher
   B. Mezzanine
   C. Junior/Equity

iii. Residential Securitizations
   A. Senior or higher
   B. Mezzanine
   C. Junior/Equity

iv. Residential Resecuritizations
   A. Senior or higher
   B. Mezzanine
   C. Junior/Equity

v. Agency Securitizations
   A. Senior or higher
   B. Mezzanine
   C. Junior/Equity

vi. Agency Resecuritizations
   A. Senior or higher
   B. Mezzanine
   C. Junior/Equity

b. CDO Securitizations
   i. Senior or higher
   ii. Mezzanine
   iii. Junior/Equity

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c. CDO Resecuritizations
   i. Senior or higher
   ii. Mezzanine
   iii. Junior/Equity

d. CLOs Securitizations
   i. Senior or higher
   ii. Mezzanine
   iii. Junior/Equity

e. CLO Resecuritizations
   i. Senior or higher
   ii. Mezzanine
   iii. Junior/Equity

f. Credit Card Securitizations
   i. Senior or higher
   ii. Mezzanine
   iii. Junior/Equity

g. Credit Card Resecuritizations
   i. Senior or higher
   ii. Mezzanine
   iii. Junior/Equity

h. Auto-Loan Securitizations
   i. Senior or higher
   ii. Mezzanine
   iii. Junior/Equity

i. Auto-Loan Resecuritizations
   i. Senior or higher
   ii. Mezzanine
   iii. Junior/Equity

j. Other
   i. Senior or higher
   ii. Mezzanine
   iii. Junior/Equity

Repos

Reverse Repos

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DERIVATIVES	**Positive OTE**	**Negative OTE**
Total Derivatives		
Futures		
a. Indices		
i. Equity		
ii. Commodity		
b. Metals		
i. Gold		
c. Agriculture		
d. Energy		
i. Crude oil		
ii. Natural gas		
iii. Power		
e. Interest Rate		
f. Currency		
g. Related to Financial Institutions		
h. Other		
Forwards		
Swaps		
a. Interest Rate Swap		
b. Equity/Index Swap		
c. Dividend Swap		
d. Currency Swap		
e. Variance Swap		
f. Credit Default Swap		
i. Single name CDS		
A. Related to Financial Institutions		
ii. Index CDS		
iii. Exotic CDS		
g. OTC Swap		
i. Related to Financial Institutions		
h. Total Return Swap		
i. Other		

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OPTIONS	Long Option Value	Short Option Value
Total Options		
Futures		
a. Indices		
i. Equity		
ii. Commodity		
b. Metals		
i. Gold		
c. Agriculture		
d. Energy		
i. Crude oil		
ii. Natural Gas		
iii. Power		
e. Interest Rate		
f. Currency		
g. Related to Financial Institutions		
h. Other		
Stocks		
a. Related to Financial Institutions		
Customized/OTC		
Physicals		
a. Metals		
i. Gold		
b. Agriculture		
c. Currency		
d. Energy		
i. Crude oil		
ii. Natural gas		
iii. Power		
e. Other		

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FUNDS **Long**

Total Funds

Mutual Fund
a. U.S.
b. Foreign

NFA Listed Fund

Hedge Fund

Equity Fund

Money Market Fund

Private Equity Fund

REIT

Other Private funds

Funds and accounts other than private funds (i.e., the remainder of your assets under management)

ITEMIZATION

a. If the dollar value of any investment in any subcategory under the heading "Equities," "Alternative Investments" or "Fixed Income" equals or exceeds 5% of the Pool's Net Asset Value, itemize the investment(s) in the table below.

Subheading	Description of Investment	Long/ Short	Cost	Fair Value	Year-to-Date Gain (Loss)

b. If the dollar value of any investment in any subcategory under the heading "Derivatives" or "Options" equals or exceeds 5% of the Pool's Net Asset Value, itemize the investment(s) in the table below.

Subheading	Description of Investment	Long/ Short	OTE	Counterparty	Year-to-Date Gain (Loss)

c. If the dollar value of any investment in any subcategory under the heading "Funds" equals or exceeds 5% of the Pool's Net Asset Value, itemize the investment(s) in the table below.

Subheading	Fund Name	Fund Type	Fair Value	Year-to-Date Gain (Loss)

– This Completes Form CPO-PQR

OATH

BY FILING THIS REPORT, THE UNDERSIGNED AGREES THAT THE ANSWERS AND INFORMATION PROVIDED HEREIN are complete and accurate, and are not misleading in any material respect to the best of the undersigned's knowledge and belief. Furthermore, by filing this Form CPO-PQR, the undersigned agrees that he or she knows that it is unlawful to sign this Form CPO-PQR if he or she knows or should know that any of the answers and information provided herein is not accurate and complete.

Name of the individual signing this Form CPO-PQR on behalf of the CPO:

Capacity in which the above is signing on behalf of the CPO:

BILLING CODE 6351–01–C

Issued in Washington, DC, on April 16, 2020, by the Commission.

Robert Sidman,

Deputy Secretary of the Commission.

Note: The following appendices will not appear in the Code of Federal Regulations.

Appendices to Amendments to Compliance Requirements for Commodity Pool Operators on Form CPO–PQR—Commission Voting Summary and Commissioners' Statements

Appendix 1—Commission Voting Summary

On this matter, Chairman Tarbert and Commissioners Quintenz, Behnam, Stump, and Berkovitz voted in the affirmative. No Commissioner voted in the negative.

Appendix 2—Supporting Statement of Chairman Heath P. Tarbert

The esteemed 19th century mathematician Charles Babbage asked ''if you put into the machine the wrong figures, will the right answers come out?'' [1] Baggage foresaw what would evolve in the 20th century as the ''garbage-in, garbage-out'' predicament—a potential pitfall now only magnified in the 21st century by the combination of computing technology and vast amounts of data. Since becoming Chairman, I have prioritized improving the CFTC's approach to collecting data. As a federal agency, we must be selective about the data we collect, and then make sure we are actually making good use of the data for its intended purpose.

This issue has arisen in a number of contexts here at the CFTC. For example, we recently proposed amendments to our swap data reporting rules, which cover both regulatory reporting and the disclosure of certain swap transaction data to the public at large.[2] The purpose of those amendments is to simplify the swap data reporting process to ensure that market participants are not burdened with unclear or duplicative reporting obligations that do little to reduce market risk or facilitate price discovery. If those amendments are adopted, the CFTC will no longer collect data that does not advance our oversight of the swaps markets.[3] And we will start collecting additional data that does.

Today we are engaged in a similar exercise. We are considering amendments to the compliance requirements for commodity pool operators (''CPOs'') on Form CPO–PQR. These amendments reflect the CFTC's reassessment of the scope of Form CPO–PQR and how it aligns with our current regulatory priorities. By refining our approach to data collection, today's amendments—in conjunction with our current market surveillance efforts—would enhance the CFTC's ability to gain more timely insight into the activities of CPOs and their operated pools. At the same time, the amendments would reduce reporting burdens for market participants.

Background on Form CPO–PQR

Form CPO–PQR requests information regarding the operations of a CPO, and each pool that it operates, in varying degrees of frequency and complexity, depending upon the assets under management (''AUM'') of both the CPO and the operated pool(s). When adopting Form CPO–PQR in 2012, the Commission determined that form data would be used for several broad purposes, including:

- Increasing the CFTC's understanding of our registrant population;
- assessing the market risk associated with pooled investment vehicles under our jurisdiction; and
- monitoring for systemic risk.[4]

For the majority of more pool-specific questions on Form CPO–PQR, the Commission believed the incoming data would assist the CFTC in monitoring commodity pools to identify trends over time. For example, the CFTC would get information regarding a pool's exposure to asset classes, the composition and liquidity of a pool's portfolio, and a pool's susceptibility to failure in times of stress.[5]

Shortcomings of Form CPO–PQR

Seven years of experience with Form CPO–PQR, however, have not born out that vision. To begin with, in an effort to take into account the different ways CPOs maintain information, the Commission has allowed CPOs flexibility in how they calculate and present certain of the data elements. As a result, it has been challenging, to say the least, for the CFTC to identify trends across CPOs or pools using Form CPO–PQR data. In addition, taking into account the volume and complexity of the data it was requesting, the Commission decided not to require the data to be provided in real-time, but instead mandated only post hoc quarterly or annual filings.

As the CFTC staff has reviewed the data over the years, it has become apparent that the disparate, infrequent, and delayed nature of CPO reporting has made it difficult to assess the impact of CPOs and their operated pools on markets. This is largely because conditions and relative CPO risk profiles may have changed, potentially significantly, by the time Form CPO–PQR is filed with the CFTC. This was not entirely unforeseen. When Form CPO–PQR was adopted, some criticized the rulemaking, raising concerns about whether the information gathered would enable the CFTC to monitor commodity pools for systemic risk effectively.[6] They likewise questioned

[1] Charles Baggage, Passages from the Life of a Philosopher (London 1864).

[2] *See* Proposed Rule: Amendments to the Real-Time Public Reporting Requirements (Part 43) (Feb. 20, 2020) (*publication in the* **Federal Register** *forthcoming*); and Proposed Rule: Amendments to the Swap Data Recordkeeping and Reporting Requirements (Part 45) (Feb. 20, 2020) (*publication in the* **Federal Register** *forthcoming*).

[3] *See* Heath P. Tarbert, Chairman, CFTC, Statement in Support of Proposed Rules on Swap Data Reporting (Feb. 20, 2020), available *https://www.cftc.gov/PressRoom/SpeechesTestimony/tabertstatement022020.*

[4] *See* Commodity Pool Operators and Commodity Trading Advisors: Compliance Obligations, 77 FR 11252 (Feb. 24, 2012).

[5] *See* Commodity Pool Operators and Commodity Trading Advisors: Amendments to Compliance Obligations, 76 FR 7976, 7981 (Form CPO–PQR Proposal) (Feb. 11, 2011).

[6] *See, e.g.,* Jill E. Sommers, Commissioner, CFTC, Dissenting Statement, Commodity Pool Operators

whether the CFTC even had the resources to do so and in fact would do so.[7]

Sound Regulation Means Collecting Information We Intend To Use

What we need is not over-regulation or even de-regulation, but rather sound regulation.[8] In the midst of the coronavirus pandemic, when we are facing the greatest economic challenge since the 2008 financial crisis, and possibly since the Great Depression, the fact that we are asking market participants to put all this time and effort into providing us data that is difficult to integrate with the CFTC's other more timely and standardized data streams is not sound regulation. Frankly, it is wasteful and an example of bad government.

My colleague Commissioner Dan Berkovitz recently made the following observation: ''In addition to obtaining accurate data, the Commission must also develop the tools and resources to analyze that data.'' [9] He is spot on. I believe the converse is also true. We should not collect data we cannot use effectively. In the case of Form CPO–PQR, this means not requiring market participants to provide information that the CFTC has neither the resources nor the ability to analyze with our other data streams. Our credibility as a regulator is strengthened when we honestly admit that our regulations ask for data that we both have not used effectively and have no intention of using going forward. That is what we are doing today.

Alternative Sources of Data Are Available to the Commission

Although we would be eliminating some components of Form CPO–PQR—those required data that the CFTC has not used in meeting its mission—Form CPO–PQR is not our only source of data regarding commodity pools. The CFTC has devoted substantial resources to developing other data streams and regulatory initiatives designed to enhance our ability to surveil financial markets for risk posed by all manner of market participants, including CPOs and their operated pools. These data streams include extensive information related to trading, reporting, and clearing of swaps. Importantly, most of the transaction and position information the CFTC uses for our surveillance activities is available on a more timely and frequent basis than the data received on the current iteration of Form CPO–PQR. Furthermore, CFTC programs to conduct surveillance of exchanges, clearinghouses, and futures commission merchants already include CPOs and do not rely on the information contained in Schedules B and C of Form CPO–PQR.

Taken together, the CFTC's other existing data efforts have enhanced our ability to surveil financial markets, including with respect to the activities of CPOs and the pools they operate. In general, the CFTC's alternate data streams provide a more timely, standardized, and reliable view into relevant market activity than that provided under Form CPO–PQR. The proposal contemplates a revised Form CPO–PQR that would be more easily integrated with these existing and more developed data streams. This would enable the CFTC to oversee and assess the impact of CPOs and their operated pools in a way that is both more effective for us and less burdensome for those we regulate.

Legal Entity Identifiers Are Something We Need

Our proposal does more than simply eliminate certain data collections. It would also require the collection of an additional piece of key information: Legal entity identifiers (''LEIs'') for CPOs and their operated pools. LEIs are critical to understanding the activities and interconnectedness within financial markets. Although LEIs have been around since 2012 and authorities in over 40 jurisdictions have mandated the use of LEI codes to identify legal entities involved in a financial transaction,[10] this would be a new requirement for Form CPO–PQR. The lack of LEI information for CPOs and their operated pools has made it challenging to align the data collected on Form CPO–PQR with the data received from exchanges, clearinghouses, swap data repositories, and futures commission merchants. As a result, we cannot always get a full picture of what is happening in the markets we regulate.

The Commission is therefore proposing to amend Form CPO–PQR to include a question seeking the LEIs of both CPOs and the operated pools. The inclusion of LEIs within this smaller data set on the amended Form CPO–PQR should enable the CFTC to synthesize the various data streams on an entity-by-entity basis more efficiently and accurately. Inclusion of LEIs may also permit better use of swap data repository and other data to illuminate any risks inherent in pools and pool families.

In addition, the proposal would better align Form CPO–PQR with Form PQR of the NFA, which all CPOs must file quarterly and which the NFA may revise to include questions regarding LEIs. Under these circumstances, we could permit a CPO to file NFA Form PQR in lieu of our Form CPO–PQR as revised. In doing so, we would offer CPOs greater filing efficiencies without compromising our ability to obtain relevant data.

Data Sharing With the OFR Could Be Improved

The Dodd-Frank Act established the Office of Financial Research (''OFR'') nearly a decade ago to look across our financial system for risks and potential vulnerabilities.[11] It was contemplated that the OFR would have access to data from other U.S. financial regulators. Yet to date, the CFTC has shared none of the Form CPO–PQR data with the OFR, largely because of the shortcomings outlined above.

Another benefit of today's proposal is that we intend to share with the OFR the information collected on Form CPO–PQR once it is revised. To this end, we are presently in the process of negotiating a memorandum of understanding with the OFR, which will allow us for the first time to provide the information we collect regarding CPOs.

Conclusion

For these reasons, I am pleased to support the Commission's proposal to amend the compliance requirements for CPOs on Form CPO–PQR. Form CPO–PQR as revised would focus on the collection of data elements that can be used with other CFTC data streams and regulatory initiatives to facilitate oversight of CPOs and their pools. The proposal would reduce data collection requirements for market participants, while mandating disclosure of LEIs by CPOs and their operated pools. Focusing on enhancing data collection by the agency is no doubt tedious. Nonetheless, I am convinced it leads to smarter regulation that helps promote the integrity, resilience, and vibrancy of U.S. derivatives markets.

Appendix 3—Supporting Statement of Commissioner Brian Quintenz

I support today's proposal that would simplify and streamline the reporting obligations of commodity pool operators (CPOs) on Form CPO–PQR. The proposal would eliminate much of existing Schedules B and C, which together contain roughly 72 distinct questions, if one includes all the separately identifiable subparts. Many of these questions are challenging for CPOs to calculate precisely and require numerous underlying assumptions that vary from firm to firm, making it difficult, if not impossible, for the Commission to perform an apples-to-apples comparison across the commodity pool industry.

Moreover, in my opinion, many of these questions are more academic than pragmatic in nature—information that may be nice for the Commission to have, but data that is certainly not necessary for the Commission to effectively oversee commodity pools and the derivatives markets. For example, under the proposal, the Commission would no longer request information about the geographical breakdown of a pool's investments or the aggregate value of a pool's derivatives positions—the latter of which provides almost no insight into a pool's actual risk because it does not take into account collateral. I would also note that large pools file the Form CPO–PQR within 60 days of the end of a calendar quarter. This means that by the time Commission staff receives the

and Commodity Trading Advisors: Amendments to Compliance Obligations (Feb. 9, 2012), available *https://www.cftc.gov/PressRoom/Speeches Testimony/sommersstatement020912a.*

[7] *Id.*

[8] *See* CFTC Vision Statement, available *https://www.cftc.gov/About/Mission/index.htm.*

[9] Dan M. Berkovitz, Commissioner, CFTC, Statement on Proposed Amendments to Parts 45, 46, and 49: Swap Data Reporting Requirements (Feb. 20, 2020), available *https://www.cftc.gov/PressRoom/SpeechesTestimony/berkovitzstatement022020b.*

[10] *See* Financial Stability Board, Thematic Review on Implementation of the Legal Entity Identifier, Peer Review Report (May 28, 2019), available *https://www.fsb.org/wp-content/uploads/P280519-2.pdf.*

[11] *See* Sections 151–56 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010), available *https://www.gpo.gov/fdsys/pkg/PLAW-111publ203/pdf/PLAW-111publ203.pdf.*

information on the form, it is already stale and out-of-date, which seriously diminishes its utility for purposes of real-time monitoring of risk or market activity.

Importantly, the proposal retains questions regarding a pool's schedule of investments, which contains information that is critical for the National Futures Association's and the Commission's supervision and examination programs for CPOs. The proposed revisions to Form CPO–PQR would also align the Commission's form with the NFA's Form PQR, which will simplify the filing process for CPOs and ensure the Commission has the same visibility as the NFA into the operations of CPOs. I am also pleased the proposal would require CPOs and their operated pools to include their legal entity identifiers (LEIs), to the extent they have LEIs due to their swap trading activity. The inclusion of LEIs will enable the Commission to aggregate the information reported on the Form CPO–PQR with the swap data information reported to the Commission under Part 45. Over time, I hope this will provide the Commission with a greater understanding of how a CPO's swap activities complement its other investment activities.

The proposal also requests comment on whether there are ways the Commission could clarify or refine its instructions for completing the Form CPO–PQR. I encourage market participants to take a close look at the form's instructions and related frequently asked questions documents to determine if the filling process can be simplified.

In closing, I would like to thank the Division of Swap Dealer and Intermediary Oversight for its hard work in advancing this important proposal.

Appendix 4—Concurring Statement of Commissioner Rostin Behnam

I respectfully concur with the Commodity Futures Trading Commission's (the ''Commission'' or ''CFTC'') issuance of a proposed rule (the ''Proposal'') to amend Regulation 4.27 and Form CPO–PQR. In devising the Proposal, Commission staff judiciously evaluated several years of returns on the Commission's collection of detailed data from commodity pool operators (CPOs)—data anticipated to provide valuable insights to both the Commission and the Financial Stability Oversight Counsel (FSOC) as we collectively moved into a new era of Wall Street reform on the heels of the 2008 financial crisis. In my view, the general conclusion that the Proposal elucidates: the information collected in the current Form CPO–PQR as well as its frequency of collection is simply not fit for purpose.

The determination to bring seven years of data collection aimed at supporting the goals of the Dodd-Frank Act [1] to an abrupt end *may,* in this particular instance, be an appropriate revision. The Proposal intends to markedly reduce the Commission's collection of granular, pool-specific data from a significant population of CPOs. However, the evidence suggests that the challenges of working with such data have undercut its potential value. Therefore, any data loss should not undermine the Commission's oversight or FSOC's current monitoring efforts. At this point in time, the Commission should take the opportunity to make strategic, programmatic and disciplined changes.

In terms of the data and the transactions the Commission thought possible within our Form CPO–PQR database, results have been mixed. The Proposal aims to make targeted corrections, without forgoing the possibility of future adjustments should the Commission later determine that additional data collection would support regulatory initiatives or would be responsive to FSOC requirements to fulfill statutorily mandated duties and initiatives aimed at identifying and monitoring risks to financial stability.[2]

The 2008 financial crisis exposed numerous weaknesses in the U.S. financial regulatory framework. Unfortunately, many were at the expense of main street Americans. The legislative response was swift and effective in reforming our nation's financial regulatory regime. One of the more pressing needs that the Dodd-Frank Act addressed relates to data collection and analysis as a tool to monitor, surveil and detect financial market risk. All with the intention of anticipating and catching stability and resiliency concerns before it is too late. As all U.S. regulators continue to adapt to the new framework—even a decade later—adopting reforms quickly in some cases, and more gradually in others, we all collectively continue to learn and develop better practices at data collection and analysis. Although not perfect, our regulatory purpose and mission is clear, and the importance of efficient and effective data to fulfilling our statutory mandate cannot be understated. As we all are experiencing the evolution of the nation's tech economy, it is hard to ignore the engine of its success: *Data.* This is the world we live in, and policymakers and regulators alike must keep pace while exercising appropriate discipline in collecting, handling, and managing data.

This Proposal focuses on the Commission's data needs in support of CPO and commodity pool oversight. The Proposal seeks to account for: (1) Other data streams, regulatory initiatives, and risk surveillance programs that support the Commission's monitoring of CPO and commodity pool activities as enhanced by improvements to the Commission's data integration and analysis capabilities; (2) the Commission's statutory obligations to make data available to the FSOC and the impact of the proposed amendments on FSOC's monitoring abilities; (3) the duties of CPOs that are dually registered with the Securities and Exchange Commission (SEC) as private fund advisors and are required to file Form PF as well as the scope of current Form PF; (4) the data elicited by the National Futures Association's (NFA's) Form PQR, a form comparable to Form CPO–PQR filed by all CFTC-registered CPOs, regardless of size, used to support NFA's risk-based examination program for CPOs; and (5) reduced reporting burdens and increased filing efficiencies for affected CPOs. I appreciate the Commission's and its staff's ongoing engagement with the SEC and FSOC, as well as with NFA, throughout the drafting of this Proposal and am encouraged that discussions are ongoing. I also appreciate staff's consideration and inclusion of several of my suggested edits to this Proposal.

I support issuance of the Proposal; however, I am concerned that in proposing to amend Regulation 4.27(d) to no longer accept Form PF filing in lieu of the proposed revised Form CPO–PQR, less data may be collected on Form PF from dually regulated CPOs.[3] Should the Proposal be finalized in its current form, FSOC may receive less data from certain CPOs who have been reporting information on commodity pools that are not private funds in the data they report on Form PF in lieu of filing Form CPO–PQR for such pools, as currently permitted under Regulation 4.27(d). To the extent the Proposal may have the side-effect of undermining ongoing FSOC surveillance and monitoring efforts by eliminating the incentivized reporting of CFTC-pool only information on Form PF, I urge members of the public to respond to related requests for comment embedded in the Proposal.[4] Notwithstanding my concerns, I am pleased that, to the extent the interests of the SEC and FSOC may be impacted, each has had and continues to have ample opportunity to weigh-in. Moreover, should the FSOC determine that it requires additional data from dually regulated CPOs or CPOs generally; it has authority to request such data submissions directly from the Commission or, alternatively, consult with the SEC—and more indirectly, with the CFTC—regarding the form and content of Form PF.[5]

I would like to close by again thanking staff for all of their hard work on this important Proposal, specifically in these difficult and unique times, and look forward to considering comments from the public. To that end, if needed, I encourage market participants to request an extension of the comment period. As we all continue to endure the challenges of new realities at home and in the workplace as a result of the Covid–19 pandemic, I firmly believe the Commission needs to be as flexible as necessary to accommodate market participants and the general public in their efforts to provide us with the best comments to rulemakings. I have made my position clear on what and how the Commission

[1] The Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010) (the ''Dodd-Frank Act'').

[2] *See* Proposal at I. Not only is the Commission among those agencies that could be asked to provide information necessary for the FSOC to perform its statutorily mandated duties, but the FSOC may issue recommendations to the Commission regarding more stringent regulation of financial activities that FSOC determines may create or increase systemic risk. *See* Dodd-Frank Act §§ 112(d)(1), 120; *See also* Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors on Form PF, 76 FR 71128, 71129 (Nov. 16, 2011); Commodity Pool Operators and Commodity Trading Advisors: Compliance Obligations, 77 FR 11252, 11253 (Feb. 24, 2012).

[3] *See* Proposal at III.C.

[4] *See* Proposal at IV.

[5] *See* note 2.

should be allocating its resources during these unprecedented times.

Appendix 6—Statement of Commissioner Dan M. Berkovitz

I am voting in favor of this proposed rule to amend Regulation 4.27 and Form CPO–PQR (''Proposal''). The information in Form CPO–PQR that no longer would be required under the Proposal has not proven to be useful to the Commission in identifying or measuring systemic or idiosyncratic risk.

In the wake of the financial crisis and the enactment of the Dodd-Frank Act, the Commission required certain commodity pool operators (''CPOs'') to report on Form CPO–PQR a variety of data that, at the time, the Commission believed would enable it to assess risks presented by pooled commodity investment vehicles, such as a pool's exposure to certain asset classes and susceptibility to market stress.[1] As the Proposal explains, however, the Commission's experience over the past seven years has unfortunately demonstrated that some of the information on Schedules B and C of Form CPO–PQR has not been useful for these purposes. The Proposal would amend the Form CPO–PQR requirements to eliminate the information that has not proven to be of value to the Commission, yet retain the requirements to report useful information, such as the pool schedule of investments.[2]

At the same time as the Commission streamlines its data collection requirements, it must also make better use of the data that it does collect. The Commission gathers a diverse and large array of data on a daily basis for over-the-counter and exchange-traded derivatives transactions.[3] As the Proposal notes, these data sets have the *potential* to be more useful for risk monitoring and surveillance purposes than certain static information collected quarterly through Form CPO–PQR. But the Commission still has a long way to go before it can use such data to perform a comprehensive, forward-looking analysis of our markets. The Commission should improve its strategies and capabilities for aggregating and analyzing the information it will continue to receive.

The Proposal would take one step in this direction by requiring CPOs using the swap markets to report legal entity identifiers (''LEIs''). Collecting LEIs is important because they allow the Commission to aggregate SDR data from related pools, thereby furthering our understanding of the role these pools play in our markets. However, the Proposal does not require all firms, such as those that do not trade swaps, to obtain and report LEIs, so this amendment will not allow the Commission to aggregate all derivatives transactions by pools under common control. The Commission can and should do more to integrate and analyze all of the data at its disposal.

Finally, I am pleased that the comment period for this Proposal is 60 days. Providing the public with sufficient time to prepare meaningful comments to our rules in these extraordinary times is good public policy.

I encourage the public to comment on this Proposal. In particular, the Proposal acknowledges that by removing from Form CPO–PQR some of the pool-specific data in Schedules B and C, less information would be available to the Financial Stability Oversight Counsel (''FSOC''). The Proposal also notes, however, that FSOC otherwise receives comparable data for the large portion of dually registered CPOs via Form PF. I am interested in commenters' views on whether this amendment would affect FSOC's ability to monitor for systemic risk.

I would like to thank the staff, particularly the Division of Swap Dealer and Intermediary Oversight, for their engagement with my office on this Proposal. I look forward to the Commission articulating further steps to enhance its surveillance of commodity pools, and our markets more broadly.

[FR Doc. 2020–08496 Filed 5–1–20; 8:45 am]

BILLING CODE 6351–01–P

[1] *See* Final Rule, Commodity Pool Operators and Commodity Trading Advisors: Amendments to Compliance Obligations, 77 FR 11252, 11252 (Feb. 24, 2012).

[2] ''The eliminated data elements include detailed, pool-specific information, provided on both the individual and aggregate level, such as questions about investment strategy and counterparty credit exposure, asset liquidity and concentration of positions, clearing relationships, risk metrics, financing, and investor composition.'' Proposal, Amendments to Compliance Requirements for Commodity Pool Operators on Form CPO–PQR, at Sect. III.A.

[3] *See generally id.* at Sect. III.

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

[SATS No. OH–258–FOR; Docket ID: OSM–2017–0005; S1D1S SS08011000 SX064A000 201S180110 S2D2S SS08011000 SX064A000 20XS501520]

Ohio Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing receipt of a proposed amendment to the Ohio regulatory program (hereinafter, the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Through this proposed amendment, Ohio is requesting to modify 41 rules to the Ohio Administrative Code, including, but not limited to, permit applications, hydrologic map and cross sections, general map requirements, requirements for permits for special categories of mining, underground mining permit application, small operator assistance program, and self-bonding etc. This document gives the times and locations that the Ohio program and this proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4 p.m., Eastern Standard Time (e.s.t.), June 3, 2020. If requested, we will hold a public hearing on the amendment on May 29, 2020. We will accept requests to speak at a hearing until 4 p.m., e.s.t. on May 19, 2020.

ADDRESSES: You may submit comments, identified by SATS No. OH–258–FOR, by any of the following methods:

- *Mail/Hand Delivery:* Mr. Ben Owens, Field Office Director, Pittsburgh Field Office, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, Pa 15220.
- *Fax:* (412) 937–2177.
- *Federal eRulemaking Portal:* The amendment has been assigned Docket ID: OSM–2017–0005. If you would like to submit comments go to *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Ohio program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSMRE's Pittsburgh Field Office or the full text of the program amendment is available for you to read at *www.regulations.gov.*

Mr. Ben Owens, Field Office Director, Pittsburgh Field Office, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, Pa 15220, Telephone: (412) 937–2827, email: *bowens@osmre.gov.*

In addition, you may review a copy of the amendment during regular business hours at the following location:

Mr. Dave Crow, Acting Chief, Ohio Department of Natural Resources, Division of Mineral Resources Management, 2045 Morse Road, Building H2, Telephone: (614) 265–1020, email: *dave.crow@dnr.state.oh.us.*

FOR FURTHER INFORMATION CONTACT: Mr. Ben Owens, Field Office Director, Pittsburgh Field Office, 3 Parkway Center, Pittsburgh, Pa 15220. Telephone: (412) 937–2827, email: *bowens@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Statutory and Executive Order Reviews

I. Background on the Ohio Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. *See* 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Ohio program on August 16, 1982. You can find background information on the Ohio program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Ohio program in the August 10, 1982, **Federal Register** (47 FR 34717). You can also find later actions concerning the Ohio program and program amendments at 30 CFR 935.10, State Regulatory Program Approval; and 935.11, Conditions of State Regulatory Program Approval; and 935.15, Approval of Ohio Regulatory Program Amendments.

II. Description of the Proposed Amendment

By letter dated November 20, 2015 (Administrative Record No. OH–2194–01), Ohio sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*) Ohio seeks to revise its program to amend 41 revised rules to the Ohio Administrative Code to include the following:

Proposed New Rules

1. *Section 1501:13–4–08.1—Proposed new rule—Application, supplemental and hydrologic maps, and cross-sections, designs and plans for underground workings.* This new rule is proposed to contain all the mapping rules specific to underground workings. A companion rule, 1501:13–4–08, is proposed to be amended to contain all the mapping rules for surface affectment, including surface coal mining operations and underground mining surface operations.

2. *Section 1501:13–4–10—Proposed new rule with the same number and title—will have updated and new map symbols.* The new proposed rule, is to be replaced. The rescinded rule with the same number and title, will have updated and new map symbols.

Rule Rescissions

1. *Section 1501:13–7–04—Rule proposed for rescission—Self-bonding*—This rule is proposed for rescission due to the Division of Mineral Resources Management no longer wanting to accepting self-bonds as performance security.

2. *Section 1501:13–4–10—Rule proposed for rescission—Uniform color code and map symbols.* The current rule proposed for rescission, is to be replaced with a proposed new rule with the same number and title, which will have updated and new map symbols.

Rule Revisions

Ohio's proposed rule changes are for the purpose of complying with the five-year-review requirements of Section 106.03 of the Ohio Revised Code, to make revisions that are as effective as the Federal requirements, to revise the mapping requirements so they are easier to understand and follow, to rescind the self-bonding rule and revise other performance bond rules so that self-bonding cannot be used as performance security, to allow the applicant/permittee to certify that a current proof of liability insurance and rider is part of the centralized ownership and control file, to protect underground mining from other underground mining and from coal exploration drilling, to clarify a Phase III bond release requirement related to seeding after minor repairs, to update the publication dates of the Code of Federal Regulations and the United States Code, and to make numerous administrative corrections and clarifications.

A. Minor Revision to Ohio Rules

The minor wording, editorial, punctuation, grammatical, and recodification changes being addressed in this finding are non-substantive.

1. *Section 1501:13–1–02—Effective date and applicability*—Proposed to include two new rules 1501:13–3–01 and 1501:13–3–02, that became effective October 28,2010.

2. Section 1501:13–1–02—*Definitions*—Proposed to remove the definition of self bonds. The Division will no longer accept self bonds as performance security.

3. *Section 1501:13–1–13—Rule references*—Proposed paragraph renumbering.

4. *Section 1501:13–3–01—Standards for demonstration of valid existing right*—Proposed to change paragraph (A)(2)(b)(iv) which references to the life-of-mine map.

5. *Section 1501:13–5–03—Form, conditions and terms of performance security*—Paragraph (A)(3) is proposed to be removed. Paragraph (C)(2) is proposed to be revised to state that the Division will no longer accept self bonds as performance security.

6. *Section 1501:13–6–03 Small operator assistance program*—Paragraph (F)(2)(c) is proposed to revise the references to cross section maps and plans, since these are being moved to rules 1501:13–4–08 and 1501:13–4–08.1.

7. *Section 1501:13–7–01 General requirements for providing performance security for coal mining and reclamation operations*—Paragraph (E)(4) is proposed to be removed. The Division will no longer accept self bonds as performance security.

8. *Section 1501:13–7–03 Form, conditions, and terms of performance security*—Paragraphs (A)(3) and (C)(2) are proposed to be removed. The Division will no longer accept self bonds as performance security.

9. *Section 1501:13–7–05 Procedures, criteria, and schedule for release of performance security for permits reliant on the reclamation forfeiture fund*—Paragraph (B)(4)(a) is proposed to be removed. The Division will no longer accept self bonds as performance security.

10. *Section 1501:13–7–05.1 Procedures, criteria, and schedule for release of performance security for permits not reliant on the reclamation forfeiture fund*—Paragraph (B)(4)(a) is proposed to be removed. The Division will no longer accept self bonds as performance security.

11. *Section 1501:13–7–06 Performance security forfeiture criteria and procedures*—Paragraph (C)(4)(b) is proposed to add the word ''or'' to the end of this paragraph, since current paragraph (c) is proposed to be removed. Paragraph (C)(4)(c) is proposed to be removed. The Division will no longer accept self bonds as performance security.

12. *Section 1501:13–8–01 Coal exploration; performance standards*—Paragraph (J) is proposed to correct a paragraph Reference.

13. *Section 1501:13–9–02 Casing and sealing of drilled holes*— Paragraph (A)

is proposed to correct grammatical errors. Paragraph (C) is proposed to correct grammatical errors and an addition to clarify that it is the Chief who makes the finding of no adverse environmental or health and safety effect.

14. *Section 1501:13–9–16 Cessation of operations*— Paragraphs (A)(1), (A)(2) and (B)(1) are proposed to correct grammatical errors and use consistent terms. Paragraph (B)(1) is proposed to add a reference to Chapter 1513 of the Revised Code

15. *Section 1501:13–10–01 Roads: performance standards*— Paragraphs (B)(2) and (G)(1)(a) are proposed to correct grammatical errors. Paragraph (G)(4)(f) has a sentence re-worded to clarify its meaning and to mirror the language of 30 CFR 816.151(d)(6) and 30 CFR 817.151(d)(6).

16. *Section 1501:13–12–01 Underground operations*— Paragraph (B) is proposed to clarify that underground operations must meet all applicable requirements of Chapter 1513 of the Revised Code.

17. *Section 1501:13–13–03 Operations on prime farmland*—Paragraph (B) has Minor corrections. Paragraph (D) has a paragraph reference corrected. Paragraph (E)(1) is proposed to correct grammar, the proposed language is to change ''of'' to ''to'' to mirror the language of 30 CFR 823.14 (b).

18. Section 1501:13–14–01 Inspections— Paragraph (A)(2)(b) is proposed to move the phrase ''Conducted under a D-permit'' because it is outdated and no longer needed; all coal mining in Ohio is now conducted under D permits

B. Revisions to Ohio's Rules That Have the Same Meaning as the Corresponding Provisions of the Federal Regulations

Ohio proposed revisions to the following rules containing language that is the same as or similar to the corresponding sections of the Federal regulations.

1. *Section 1501:13–1–10 Availability of records*— Proposed to add provision (B)(2) in order for it to be as effective as the federal program. The federal regulations at 30 CFR 840.14 (c)(1) and (2) require that either a copy of the records be available for inspection in the county where mining is taking place or a description of the records and a description of the procedure for obtaining the records be available in the county where mining is taking place. Paragraphs (B)(2)(b) and (b)(i) provisions in subparagraph (b) is revised and (b)(i) is added for clarification to keep Ohio's program as effective as the federal program. The federal regulations at 30 CFR 840.14 (c)(2) requires that any resident of the area where mining is taking place either be able to inspect copies of the records in the county where the mining is taking place or be provided copies of the records at no charge. Paragraph (B)(2)(b)(ii) is revised for other persons who request copies of the records, the Division will follow ODNR policy in charging for the copies.

2. Section 1501:13–1–14 *Incorporation by reference*—Proposed changes to paragraphs (A) and (B) are annual updates of the editions of the Code of Federal Regulations and the United States Code that are incorporated by reference. The website address is simplified. Paragraphs (B)(16) and (17) are proposed to be removed from this list

3. *Section 1501:13–4–03 Permit applications; requirements for legal, financial, compliance and related information*—Proposed to change grammatical issues in paragraphs (B)(11), (C)(5), (D)(1) and (F)(3). Proposed to add paragraph (D)(2) requiring information about lands within the permit area where the private mineral estate to be mined has been severed from the private surface estate will be revised to limit this information to lands where surface disturbance will result from the applicant's proposed use of a surface mining method. Paragraphs (D)(2)(a) to (c) are revised to add ''surface disturbance'' qualifications to all paragraphs due to HB 163 (effective September 30, 2011). Paragraph (D)(3) is proposed to change ''title'' to ''rights'' to mirror the language of ORC Section 1513.07 (E)(2)€(iii). Paragraphs (E)(3) and (4) are proposed to add ''measured horizontally'' due to HB 163 (effective September 30,2011). Paragraph (H) is proposed to be revised by reorganizing provisions and removal of a comma to clarify the requirements for newspaper advertisement.

4. *Section 1501:13–4–04 Permit application requirements for information on environmental resources*—Proposed changes to paragraph (C)(2)(a)(i) include a Refererence to rule 1501:13–4–08 due to the revisions in paragraphs (J) and (K), as explained below. Paragraphs (D)(5) and(E)(3) is proposed to reference to new paragraphs (D)(6) and (D)(7) added. Paragraph (D)(6) is proposed to add a new paragraph and sub-paragraphs regarding seasonal variations which provide a standard method for collection and submitting water samples to identify seasonal variations in water quality and quantity. The provisions include a chart showing the flow periods and their duration. These new paragraphs contain the requirements of the Division's Permitting & Hydrology Policy/Procedure Directive 2000–2 (also known as PPD 2000–2). Paragraph (D)(7) is proposed to add a new paragraph regarding seasonal variations that states: Water quality and quantity data collected and described other than as required by paragraph (D)(6) of this rule may be submitted to identify seasonal variations in ground water and surface water, provided the chief determines that that alternative data are sufficient to identify seasonal Revised Code and the rules adopted thereunder. Paragraphs (J) and (K) which are the mapping provisions of this rule are proposed to be moved to rule 1501:13–4–08, which will apply to coal mining operations including underground mining surface operations. The mapping requirements for underground workings will be in rule 1501:13–4–08.1. Paragraphs (L) and (M) are proposed to be re-numbered (J) and (K) due to the revisions in paragraphs (J) and (K), as explained above. Paragraphs (L)(3), and (L)(4)(a) and (b) are proposed to be revised to address references changed due to the revisions in paragraphs (J) and (K), as explained above.

5. *Section 1501:13–4–05 Permit application requirements for reclamation and operations plans*— Paragraph (A)(2)(b) is proposed to restore the word ''necessary'' to this provision. It was removed effective April 30, 2009 but OSMRE requires that it be put back for the provision to be as effective as the Federal provision. Paragraph (G)(2) is proposed to add additional language per HB 163, effective September 30, 2011, that explains that the provisions of (G)(2) do not apply in cases where no surface disturbance will result from the applicant's proposed use of auger/highwall mining. Paragraph (H)(7) is proposed as a new paragraph to address incorporation by reference requirements. The paragraph refers the reader to rule 1501:13–9–04, which contains information on where a copy of Soil Conservation Service Technical Release No. 60 can be obtained.

6. *Section 1501:13–4–08 Hydrologic map and cross-sections*—Proposed revision to contain all the mapping rules specific to surface coal mining operations, including underground mining surface operations. A new rule, 1501:13–4–08.1, is being proposed to contain all the mapping rules specific to underground workings.

7. *Section 1501:13–4–09 General map requirements*—Proposed to add (B) to require that a map's legend indicate which of the map symbols listed in rule 1501:13–4–10 appear on the map.

Paragraph (D)(1) is proposed to add supplemental map and hydrologic map to the list of maps that are submitted to DMRM

8. *Section 1501:13–4–11 Maps showing reaffection of permit area*—Paragraph (A) is proposed to eliminate the word ''former'' to clarify the meaning of the sentence. The rule applies to maps showing land affected under a permit that is reaffected under a subsequent permit. Paragraphs (A) and (B) are proposed to change a rule reference change to 1501:13–4–08 (A), because the mapping requirements of rule 1501:13–4–04 are proposed to be moved to that rule. Paragraph (B) is proposed to correct punctuation throughout. Paragraphs (B), (B)(2) and (B)(5) are proposed to restore valid existing rights language to correct an error that was made when the rule was revised in 2009. At that time, the phrase ''valid existing rights'' was removed from the rule, when in fact it needs to remain in the rule to appropriately distinguish the requirements of (B) from those of (A). A person having valid existing rights to land generally means that his or her rights were secured prior to the enactment of the Federal Surface Mining Control and Reclamation Act (SMCRA) of 1977. If land under an existing permit is reaffected by a person with valid existing rights, mapping and certification requirements for that land would follow (B), rather than (A). The term ''valid existing rights'' is defined in OAC 1501:13–1–02.

9. *Section 1501:13–4–12 Requirements for permits for special categories of mining*—Paragraph (F)(2) is proposed to change the references to the prime farmland requirements because of changes proposed for rules 1501:13–4–04 and 1501:13–4–13

10. *Section 1501:13–4–13 Underground mining permit application requirements for information on environmental resources*—Paragraph (C)(2)(a)(i) is proposed to refer to rules 1501:13–4–08 and new rule 1501:13–4–08.1 due to the revisions in paragraphs (J) and (K), as explained below. Paragraphs (D)(5) and (E)(3) is proposed to reference to new paragraph (0)(6) and (0)(7) added. Paragraph (D)(6) is proposed as a new paragraph and sub-paragraphs regarding seasonal variations which provide a standard method for collecting and submitting water samples to identify seasonal variations in water quality and quantity. The provisions include a chart showing the flow periods and their duration. These new paragraphs contain the requirements of the Division's Permitting & Hydrology Policy/Procedure Directive 2000–2 (also know as PPD 2000–2). The Division is proposing to put these requirements into rule due to a 2007 court decision, *Buckeye Forest Council, Inc.* v. *Div. of Mineral Res. Mgmt.,* 172 Ohio App.3d 440. In this decision, the court stated that, since PPD 2000–2 uniformly applies to all mining permit application statewide, it qualifies as a rule and its requirements should therefore be adopted by the Division through rule-making. Paragraph (0)(7) is proposed as a new paragraph regarding seasonal variations that states: Water quality and quantity data collected and described other than as required by paragraph (D)(6) of this rule may be submitted to identify seasonal variations in ground water and surface water, provided the chief determines that the alternative data are sufficient to identify seasonal variations needed for the hydrologic assessments required by Chapter 1513 of the Revised Code and the rules adopted thereunder. Paragraphs (J) and (K) are proposed to address the mapping provisions of this rule and are proposed to be moved to rule 150I:13–4–08, which will apply to coal mining operations including underground mining surface operations. The mapping requirements for underground workings will be in rule 1501:13–4–08.l. Paragraphs (L) and (M) are proposed to be re-numbered (J) and (K) due to the revisions in paragraphs (J) and (K), as explained above. Paragraphs (L)(3), and (L)(4)(a) and (b) are proposed to have references changed due to the revisions in paragraphs (J) and (K), as explained above.

11. *Section 1501:13–4–14 Underground mining permit application requirements for reclamation and operations plans*—Paragraph (A)(2)(b) is proposed to restore ''necessary'' to this provision. It was removed effective April 30, 2009, but OSMRE requires that it be put back for the provision to be as effective as the Federal provision. Paragraph (H)(7) is proposed as a new paragraph to address incorporation by reference requirements. The paragraph refers the reader to rule 1501:13–9–04, which contains information on where a copy of Soil Conservation Service Technical Release No. 60 can be obtained.

12. *Section 1501:13–5–01 Review, public participation, and approval or disapproval of permit applications and permit terms and conditions*—Paragraph (E)(6) is proposed to add additional language per HB 163 (effective September 30,2011) so that this rule agrees with the language of rule 1501:13–4–03 (D)(2). (G)(3). Added a reference to proposed new mapping rule 1501:13–4–08.1

13. *Section 1501:13–7–07 Liability insurance*—Paragraph (A) is proposed to specify that, for an application to satisfy the liability insurance requirement of this rule, the application can contain a notarized certification acknowledging that a current proof of liability insurance and rider is part of the applicant's Central File for Identity Information. Having the liability insurance information in the Central File for Identity Information will avoid duplication of paperwork; the Central File contains up-to-date application information about a coal operator in one place in the Division, rather than requiring the coal operator to submit such information repeatedly in each individual application.

14. *Section 1501:13–9–01 Signs and markers*—Paragraph (C)(l) is proposed to remove ''but shall not be limited to''. Paragraph (C)(2) is proposed to be reworded for clarity. Paragraphs (C)(3) to (5) is proposed to correct conjunctions and punctuation. Paragraph (E) is proposed to clarify buffer zone marking requirements and a reference to the stream buffer zone provisions of rule 150I:13–9–04 added

15. *Section 1501:13–9–07 Disposal of excess spoil*—Proposed to add paragraph (K). Reference to 1501:13–4–14 (O) added because (O) also contains requirements for the disposal of excess spoil. Paragraph (M)(1) is proposed to correct a reference. Paragraph (N)(1) is proposed to add a reference to paragraph (B). Through a rule amendment in 1988, a reference to (B) was removed, although it's not clear why. 30 CFR 816.74 (c) and 30 CFR 817.74 (c) require that the design be certified by a registered professional engineer. (The definition of engineer in rule 1501:13–1–02 already specifies that engineer means a professional engineer registered in accordance with ORC Chapter 4733.) (N)(5)(d). Reference to rule 1501:13–9–14 added because 1501:13–9–14 also contains requirements for postmining graded slopes.

16. *Section 1501:13–9–08 Protection of underground*—Proposed amendment to clarify that paragraph (A) is for surface mining operations, while new paragraphs (B) and (C) are for underground mining operations and coal exploration drilling, respectively. The distance limit requirements for surface mining operations are not being revised. Paragraph (A)(1) is proposed to be revised to comply with LSC's rule-drafting protocol. Paragraphs (B) and (B)(1) and (2) are proposed new provisions to protect underground mining operations from other underground mining operations. The

requirements are similar to those of (A), which protect underground mining operations from surface mining operations, except that the distance limit in (B) is 200 feet instead of 500 feet. The distance limit of 200 feet already exists in Mine Safety law, ORC section 1563.39, as well as in federal MSHA regulations, 30 CFR 75.388(a)(2), for underground mining operations near other underground mines. Paragraph (C) is a proposed new provision to protect underground mining operations from coal exploration drilling. The requirements mirror those of (B), and are proposed to establish a clear distance limit for coal exploration drilling near underground mines in the interest of mine safety.

17. *Section 1501:13–9–11 Protection of fish, wildlife, and related environmental values*—Paragraph (C)(1) is proposed tp be revised to mirror the requirements of, and to make the rule as effective as, 30 CFR 816.97(f) and 30 CFR 817.97(f) with regard to the protection of wetlands and riparian vegetation. Paragraph (C)(2) is proposed to make a small change in the word order of the requirements of this paragraph to match (C)(1) and 30 CFR 816.97(f) and 30 CFR 817.97(f). Also, the word ''disturbance'' changed to ''disturbances'' to be consistent with (C)(1) and 30 CFR 816.97(f) and 30 CFR 817.97(f).

18. *Section 1501:13–9–15 Revegetation*—Paragraph (F)(1), (F)(4)(c) and (F)(4)(c)(ii) is proposed to make small changes to correct grammatical errors and to conform to rule-writing standards. Paragraphs (F)(3) and (O)(5)(b) are proposed to correct paragraph references. Paragraph (F)(6) is proposed to add language to clarify that the Chief has the authority to not require the permittee to wait an additional 12 months after seeding for minor repairs before applying for a phase III release, provided the Chief determines the extent of the area of repair was limited in size and the permittee remains in compliance with paragraph (G)(3)(b). Paragraphs (I)(1), (5) and (6) are proposed to update information about target yields and how the public can access this information.

19. *Section 1501:13–9–17 Postmining use of land*—Paragraph (B) is proposed to make grammatical changes to mirror 30 CFR 816.133 (b) and to match the singular noun use of (B)(1) and (2). A comma is proposed to be added to paragraph (B)(1). Paragraphs (D)(2) and (D)(7) are proposed to be added from 30 CFR 816.133 (c)(3)(i) and (iv). Two criteria that must be met to have an alternative postmining land use approved are: The use will not be impractical or unreasonable, and the use will not cause or contribute to violation of Federal State, or local law. Paragraph (D)(8) is proposed to correct a rule reference.

20. *Section 1501:13–11–02 Support facilities and utility installations*—Proposed to make changes to paragraph (A). Rule referencing changes to 1501:13–4–08 and 1501:13–4–08.1 due to the mapping requirements of rules 1501:13–4–04 and 1501:13–4–13 are proposed to be moved to those rules. Paragraph (C) is proposed to be amended to require that coal mining operations minimize damage, destruction, or disruption of services provided by oil, gas, and water wells, and by water and sewage lines, to mirror the requirements of 30 CFR 816.180. Paragraph also amended to include telephone ''and other telecommunication lines.''

The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES** or at *www.regulations.gov.*

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Electric or Written Comments

If you submit written or electronic comments on the proposed rule during the 30-day comment period, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

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.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., e.s.t. on May 19, 2020. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak, and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Statutory and Executive Order Reviews

Executive Order 12866—Regulatory Planning and Review and Executive Order 13563—Improving Regulation and Regulatory Review

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget (OMB) will review all significant rules. Pursuant to OMB guidance, dated October 12, 1993, the approval of State program amendments is exempted from OMB review under Executive Order 12866. Executive Order 13563, which

reaffirms and supplements Executive Order 12866, retains this exemption.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSMRE for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR part 935

Intergovernmental relations, Surface mining, Underground mining.

Thomas D. Shope,

Regional Director, North Atlantic—Appalachian Region.

[FR Doc. 2020–08805 Filed 5–1–20; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2020–0103; FRL–10008–44—Region 4]

Air Plan Approval; KY; Jefferson County Existing and New Miscellaneous Metal Parts and Products Surface Coating Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Jefferson County portion of the Kentucky State Implementation Plan (SIP), submitted by the Commonwealth of Kentucky (Commonwealth), through the Energy and Environment Cabinet (Cabinet) on September 5, 2019. The revisions were submitted by the Cabinet on behalf of the Louisville Metro Air Pollution Control District and makes a singular change to two regulations for clarity purposes regarding the applicability of exempt surface coating standards for existing and new miscellaneous metal parts and products operations. EPA is proposing to approve the changes as they are consistent with the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before June 3, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2020–0103 at *www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Sarah LaRocca, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8994. Ms. LaRocca can also be reached via electronic mail at *larocca.sarah@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

EPA is proposing to approve a change to Regulation 6.31, *Standard of Performance for Existing Miscellaneous Metal Parts and Products Surface Coating Operations,* and Regulation 7.59, *Standard of Performance for New Miscellaneous Metal Parts and Products Surface Coating Operations,* of the Jefferson County portion of the Kentucky SIP, submitted by the Commonwealth on September 5, 2019. The SIP revisions clarify the applicability of the surface coating standard exemptions as it pertains to Section 3 of Regulations 6.31 and 7.59. The SIP revisions ensure consistency across the regulations and updates the current SIP-approved version of Regulation 6.31 (Version 6) and Regulation 7.59 (Version 6) to Version 7 of each.

EPA has found that surface coatings of miscellaneous metal parts and products operations emit hazardous air pollutants (HAP). *See* 69 FR 129 (January 2, 2004). Regulation of these sources protects air quality and promotes public health by reducing HAP emissions into the environment. The organic HAP emitted by surface coatings and miscellaneous metal parts and products operations are volatile organic compounds (VOC), as defined by 40 CFR 51.100(s).[1]

Tropospheric ozone, commonly known as smog, occurs when VOC and nitrogen oxides (NO_X) react in the atmosphere. Because of the harmful health effects of ozone, EPA limits the VOC and NOx emissions that can be released into the atmosphere. VOC are compounds of carbon excluding carbon monoxide, carbon dioxide, and carbonates, and ammonium carbonate, which participate in atmospheric photochemical reactions, including in the formation of ozone. The compounds of carbon (or organic compounds) have different levels of photochemical reactivity; therefore, they do not form ozone to the same extent.

II. EPA's Analysis of the Submittal

Jefferson County Air Quality Regulations 6.31 and 7.59 address VOC emitted by miscellaneous metal parts and products surface coating operations at existing and new facilities, respectively. In this proposed action, EPA is proposing to approve a change to these two regulations. In Paragraph 5.1 of Section 5, *Exemptions,* of both regulations, clarifying text is being added to ensure consistency with Paragraph 5.2. In the SIP-approved versions of these regulations, Paragraph 5.1 lists the types of surface coatings that are ''exempt from this regulation'' and Paragraph 5.2 exempts any affected facility from Section 3 (Standards for Volatile Organic Compounds) if the total VOC emissions[2] from all affected facilities subject to this regulation are less than or equal to five tons per year. The SIP revisions create consistency between Paragraphs 5.1 and 5.2 by clarifying that the exemption in Paragraph 5.1 applies only to Section 3 (*i.e.,* the phrase ''exempt from this regulation'' is replaced with ''exempt

[1] Specifically, the organic HAP emitted by these operations include xylenes, toluene, methyl ethyl ketone (MEK), phenol, cresols/cresylic acid, glycol ethers (including ethylene glycol monobutyl ether (EGBE)), styrene, methyl isobutyl ketone MIBK), and ethyl benzene. *See* 69 FR 129. The aforementioned compounds are identified as VOC in 40 CFR 51.100(s)(1).

[2] Potential emissions prior to any add-on controls.

from the standards in Section 3 of this regulation''). These revisions do not change how the regulation operates and solely serves as an update to clarify that the exemption only applies to emissions standards in each regulation, as recordkeeping requirements are still explicitly required.

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Louisville Metro Air Pollution Control District Regulation 6.31, *Standard of Performance for Existing Miscellaneous Metal Parts and Products Surface Coating Operations,* Version 7, and Regulation 7.59, *Standard of Performance for New Miscellaneous Metal Parts and Products Surface Coating Operations,* Version 7, state effective June 19, 2019. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the ''For Further Information Contact'' section of this preamble for more information).

IV. Proposed Action

EPA is proposing to approve the change to Regulation 6.31, *Standard of Performance for Existing Miscellaneous Metal Parts and Products Surface Coating Operations,* and Regulation 7.59, *Standard of Performance for New Miscellaneous Metal Parts and Products Surface Coating Operations,* of the Jefferson County portion of the Kentucky SIP as submitted on September 5, 2019. This change clarifies the existing regulations' applicability and is consistent with the CAA.

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because 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 1955 (Pub. L. 104–4);
- Does not have Federalism implications as specified in the Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the national Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994). The SIP is not approved to apply on any Indian reservation land or any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rules do not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Mary Walker,

Regional Administrator, Region 4.

[FR Doc. 2020–08905 Filed 5–1–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2019–0596; FRL–10007–65]

RIN 2070–AB27

Significant New Use Rules on Certain Chemical Substances (20–1.5e)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for chemical substances that were the subject of premanufacture notices (PMNs) and are subject to Orders issued by EPA pursuant TSCA. The SNURs require persons who intend to manufacture (defined by statute to include import) or process any of these chemical substances for an activity that is proposed as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the use, under the conditions of use for that chemical substance, within the applicable review period. Persons may not commence manufacture or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required by that determination.

DATES: Comments must be received on or before June 3, 2020.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2019–0596, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture, process, or use the chemical substances contained in this proposed rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of one or more subject chemical substances (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and Orders under TSCA. Importers of chemicals subject to final SNURs must certify compliance with the SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of this proposed rule on or after June 3, 2020 are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see 40 CFR 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background

A. What action is the agency taking?

EPA is proposing these SNURs under TSCA section 5(a)(2) for chemical substances that were the subject of PMNs. These proposed SNURs would require persons to notify EPA at least 90 days before commencing the manufacture or processing of a chemical substance for any activity proposed as a significant new use. Receipt of such notices would allow EPA to assess risks and, if appropriate, to regulate the significant new use before it may occur. Additional background regarding SNURs is more fully set out in the preamble to EPA's first direct final SNUR published in the **Federal Register** issue of April 24, 1990 (55 FR 17376). Consult that preamble for further general information on the objectives, rationale, and procedures for SNURs and on the basis for significant new use designations, including provisions for developing test data.

B. What is the Agency's authority for taking this action?

TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the four TSCA section 5(a)(2) factors listed in Unit III. Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture or process the chemical substance for that use (15 U.S.C. 2604(a)(1)(B)(i)). TSCA furthermore prohibits such manufacturing or processing from commencing until EPA has conducted a review of the notice, made an appropriate determination, and taken such actions as are required in association with that determination (15 U.S.C. 2604(a)(1)(B) ii)). In the case of a determination other than not likely to present unreasonable risk, the applicable review period must also expire before manufacturing or processing for the new use may commence.

C. Applicability of General Provisions

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the proposed rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the rule. Provisions relating to user fees appear at 40 CFR part 700. According to 40 CFR 721.1(c), persons subject to these SNURs must comply with the same SNUN requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). These requirements include the information submission requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by TSCA section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA must either determine that the use is not likely to present an unreasonable risk of injury under the conditions of use for the chemical substance or take such regulatory action as is associated with an alternative determination before the manufacture or processing for the significant new use can commence. In the case of a determination other than not likely to present unreasonable risk, the applicable review period must also expire before manufacturing or processing for the new use may commence. If EPA determines that the use is not likely to present an unreasonable risk, EPA is required under TSCA section 5(g) to make public, and submit for publication in the **Federal Register**, a statement of EPA's findings.

III. Significant New Use Determination

TSCA section 5(a)(2) states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human

beings or the environment to a chemical substance.

• The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.

• The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In determining what would constitute a significant new use for the chemical substances that are the subject of these SNURs, EPA considered relevant information about the toxicity of the chemical substances, likely human exposures and environmental releases associated with possible uses, and the four TSCA section 5(a)(2) factors listed in this unit. These proposed rules include PMN substances that are subject to Orders issued under TSCA section 5(e)(1)(A), as required by the determinations made under TSCA section 5(a)(3)(B). Those Orders require protective measures to limit exposures or otherwise mitigate the potential unreasonable risk. The proposed SNURs would identify as significant new uses any manufacturing, processing, use, distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying Orders, consistent with TSCA section 5(f)(4).

IV. Substances Subject to This Proposed Rule

EPA is proposing significant new use and recordkeeping requirements for certain chemical substances in 40 CFR part 721, subpart E. In this unit, EPA provides the following information for each chemical substance:

• PMN number.

• Chemical name (generic name, if the specific name is claimed as CBI).

• Chemical Abstracts Service (CAS) Registry number (if assigned for non-confidential chemical identities).

• Effective date of and basis for the TSCA section 5(e) Order.

• Potentially Useful Information.

• CFR citation assigned in the regulatory text section of the proposed rule.

These proposed rules include PMN substances that are subject to Orders issued under TSCA section 5(e)(1)(A), as required by the determinations made under TSCA section 5(a)(3)(B). Those Orders require protective measures to limit exposures or otherwise mitigate the potential unreasonable risk. The proposed SNURs would identify as significant new uses any manufacturing, processing, use, distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying Orders, consistent with TSCA section 5(f)(4).

Where EPA determined that the PMN substance may present an unreasonable risk of injury to human health via inhalation exposure, the underlying TSCA section 5(e) Order usually requires that potentially exposed employees wear specified respirators unless actual measurements of the workplace air show that air-borne concentrations of the PMN substance are below a New Chemical Exposure Limit (NCEL), include requirements addressing performance criteria for sampling and analytical methods, periodic monitoring, respiratory protection, and recordkeeping. No comparable NCEL provisions currently exist in 40 CFR part 721, subpart B, for SNURs. Therefore, for these cases, the individual SNURs in 40 CFR part 721, subpart E, will state that persons subject to the SNUR who wish to pursue NCELs as an alternative to the 40 CFR 721.63 respirator requirements may request to do so under 40 CFR 721.30. EPA expects that persons whose 40 CFR 721.30 requests to use the NCELs approach for SNURs that are approved by EPA will be required to comply with NCELs provisions that are comparable to those contained in the corresponding TSCA section 5(e) Order for the same chemical substance.

The chemicals subject to these proposed SNURs are as follows:

PMN Number: P–14–865

Chemical Name: Aromatic amide oxime (generic).

CAS Number: Not available.

Effective date of TSCA section 5(e) Order: September 6, 2018.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the PMN substance will be as an intermediate. EPA identified concerns for mutagenicity based on analysis of test data on analogs. EPA also identified concerns for toxicity to fish based on analysis of test data on the PMN substance. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(I)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the TSCA Order requires:

• Use of personal protective equipment (where there is potential for dermal exposure);

• Use of the PMN substance only as a chemical intermediate; and

• No predictable or purposeful release of a manufacturing, processing, or use stream associated with any use of the PMN substance into the waters of the United States exceeding a surface water concentration of 30 parts per billion (ppb).

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information may be potentially useful to characterize the effects of the PMN substance in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has also determined that the results of specific reproductive/developmental testing and chronic aquatic toxicity testing would help characterize the potential human and environmental effects of the PMN substance. Although the Order does not require these tests, the Order's restrictions remain in effect until the Order is modified or revoked by EPA based on submission of this or relevant information.

CFR citation: 40 CFR 721.11466.

PMN Number: P–15–54

Chemical Name: Carbon nanotubes (generic).

CAS Number: Not available.

Effective Date of TSCA section 5(e) Order: December 17, 2019.

Basis for TSCA section 5(e) Order: The PMN states that the use of the PMN substance will be as a chemical intermediate to manufacture functionalized carbon nanotubes by oxidation with nitric acid; an additive in rubber polymers to improve mechanical/physical/chemical/electrical properties; an additive in resin polymers to improve mechanical/physical/chemical/electrical properties; an additive in metals to improve electrical/thermal properties; an additive in ceramics to improve mechanical/electrical/thermal properties; a semi-conductor, conductive, or resistive element in electronic circuitry and devices; an electric collector element or electrode in energy devices; a photoelectric or thermoelectric conversion elements in energy devices; a catalyst support element or catalytic electrode for use in energy devices; an additive for transparency and conductivity in electronic devices; and an electro-mechanical element in actuator, sensor, or switching devices. Based on carbon nanotube analogues, data submitted for the PMN substance, and comparison to analogous respirable, poorly soluble particulates, EPA identified concerns for

pulmonary toxicity and oncogenicity. A direct final SNUR was issued for this PMN substance on November 17, 2016 (81 FR 81250), and withdrawn on January 19, 2017 (82 FR 6277) in response to the PMN submitter's intent to submit adverse comments, which was a request to modify the original 5(e) Order to add more uses. The Order (as modified) was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the TSCA Order requires:

- Use of personal protective equipment where there is a potential for dermal exposure;
- Use of a National Institute for Occupational Safety and Health (NIOSH)-certified respirator with an Assigned Protection Factor (APF) of at least 50 where there is a potential for inhalation exposure;
- Use of the PMN substance other than as allowed in the TSCA Order;
- Waste streams from manufacture, processing, and use must be disposed of only by incineration or landfill; and
- No predictable or purposeful release of a manufacturing, processing, or use stream associated with any use of the PMN substance into the waters of the United States.

The proposed SNUR would designate as a ''significant new use'' in the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the environmental effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has determined that the results of chronic aquatic toxicity testing, with NOM (natural organic matter) as the dispersant, may be potentially useful to characterize the environmental effects of the PMN substance. Although the TSCA Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11467.

PMN Number: P–16–583

Chemical Name: Aromatic hydrocarbon resin (generic).

CAS Number: Not available.

Effective date of TSCA section 5(e) Order: October 17, 2018.

Basis for TSCA section 5(e) Order: The PMN states that the use of the PMN substance will be as a sealant for head lamps of cars. EPA identified concern for hydrocarbon pneumonia if the PMN substance is manufactured with a higher proportion of lower molecular weight species during heating. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(I)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health. To protect against these risks, the TSCA Order requires:

- Manufacture of the PMN substance such that the number average molecular weight is at least 1,000 grams per mole; and
- Use of the PMN substance only as a hot-melt sealant for motor vehicle lamps.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has also determined that the results of specific organ toxicity testing would help characterize the potential human health effects of the PMN substance. Although the Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or relevant information.

CFR citation: 40 CFR 721.11468.

PMN Number: P–17–193

Chemical Names: Pentaerythritol ester of mixed linear and branched carboxylic acids (generic) (P–17–193, chemical A) and Dipentaerythritol ester of mixed linear and branched carboxylic acids (generic) (P–17–193, chemical B).

CAS Numbers: Not available.

Effective Date of TSCA section 5(e) Order: January 8, 2020.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the PMN substances will be as a synthetic lubricant for contained use and as an industrial lubricant. Based on analogue data, EPA has identified concerns for reproductive/developmental effects, systemic toxicity, and kidney effects. Based on comparison to analogous esters, EPA predicts drinking water toxicity may occur at concentrations that exceed 330 ppb. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substance may present an unreasonable risk of injury to human health or the environment. To protect against these risks, the TSCA Order requires:

- No predictable or purposeful release of a manufacturing, processing, or use stream associated with any use of the PMN substances into the waters of the United States exceeding a surface water concentration of 330 ppb.

The proposed SNUR would designate as a ''significant new use'' in the absence this protective measure.

Potentially Useful Information: EPA has determined that certain information about the human health effects of the PMN substances may be potentially useful in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of in vitro toxicokinetics/metabolism information, specific target organ toxicity, and reproductive/development toxicity testing may be potentially useful to characterize the human health effects of the PMN substances. Although the TSCA Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citations: 40 CFR 721.11469 (P–17–193, chemical A) and 40 CFR 721.11470 (P–17–193, chemical B).

PMN Number: P–17–221

Chemical name: Alkylheterocyclic amine blocked isocyanate, alkoxysilane polymer (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: October 17, 2018.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the PMN substance will be as a coating polymer. Based on analysis of test data on reactivity of the methoxy and ethoxy silane moieties as well as the release of methanol, EPA identified concerns for ocular toxicity, irritation to eyes, skin, lung, and mucous membranes. The TSCA Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that the in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health and the

environment. To protect against these risks, the TSCA Order requires:

• Use of personal protective equipment including chemically impervious gloves and eye goggles, (where there is potential for dermal exposure);

• No use of the PMN substance at a concentration greater than 10% in formulation;

• Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the Safety Data Sheet (SDS); and

• Use of the PMN substance only for the confidential use allowed in the TSCA Order.

The SNUR would designate as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has also determined that the results of specific irritation and lung effect testing would help characterize the potential human effects of the PMN substance. Although the TSCA Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or relevant information.

CFR citation: 40 CFR 721.11471.

PMN Number: P–17–282

Chemical Name: Isocyanic acid, polymethylenepolyphenylene ester, caprolactam- and phenol-blocked.

CAS Number: 2093945–13–0.

Effective Date of TSCA section 5(e) Order: January 13, 2020.

Basis for TSCA section 5(e) Order: The PMN states that the use of the PMN substance will be as a blocked crosslinker for electrical insulation coating used on stators and motors. Based on the release of phenol, EPA has identified concerns for irritation to membranes, blood toxicity, and developmental toxicity. Based on the release of caprolactam, EPA has also identified concerns for eye, skin, and respiratory irritation, skin and respiratory sensitization, lung effects, kidney toxicity, and developmental toxicity. Based on comparison to analogous carbamate esters-phenyl and carbonyl ureas, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb. The TSCA Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the TSCA Order requires:

• No modification of the manufacture, processing, or use of the PMN substance in any manner that generates inhalation exposure to phenol or caprolactam; and

• No predictable or purposeful release of a manufacturing, processing, or use stream associated with any use of the PMN substance into the waters of the United States exceeding a surface water concentration of 1 ppb.

The proposed SNUR would designate as a ''significant new use'' in the absence of these protective measures.

Potentially Useful Information: EPA has determined that certain information about the human health and environmental effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of aquatic toxicity, developmental toxicity, pulmonary effects, eye damage, skin irritation/corrosion, and skin sensitization testing may be potentially useful to characterize the human health and environmental effects of the PMN substance. Although the Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11472.

PMN Number: P–17–334

Chemical Name: Benzamide, 2-(trifluoromethyl)-.

CAS Number: 360–64–5.

Effective date of TSCA section 5(e) Order: August 20, 2018.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the PMN substance will be as a chemical precursor. EPA has identified concerns for neurotoxic effects based on analog data. There are concerns for oncogenicity based on test data. To the extent the chemical substance is metabolized, there are concerns for reproductive, developmental and neurotoxicity, lung, neurotoxicity, liver, and kidney effects based on analog data for the potential derivative metabolite. Based on analogous amides, EPA predicts environmental effects may occur at surface water concentrations that exceed 39 parts per billion. The TSCA Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) based on a finding that the substances may present an unreasonable risk of injury to human health or the environment. To protect against these risks, the TSCA Order requires:

• No domestic manufacture of the PMN substance;

• Use of personal protective equipment (where there is potential for dermal exposure); Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS;

• Import for processing and use only as a chemical intermediate, as required by the Order, with no alteration of processes that result in the generation of a dust, mist or aerosol; and

• No predictable or purposeful release of a manufacturing, processing, or use stream associated with any use of the PMN substance into the waters of the United States exceeding a surface water concentration of 39 ppb.

The SNUR would designate as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health and environmental effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has also determined that the results of specific absorption and metabolism testing and chronic aquatic toxicity testing would help characterize the potential human and environmental effects of the PMN substance. Although the TSCA Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or relevant information.

CFR citation: 40 CFR 721.11473.

PMN Number: P–17–386

Chemical Name: Cashew, nutshell liq. polymer with formaldehyde, phenol and resorcinol.

CAS Number: 2044014–81–3.

Effective date of TSCA section 5(e) Order: October 19, 2018.

Basis for TSCA section 5(e) Order: The PMN states that the use of the substance will be as an additive as a processing aid for automotive tire stock

(tackifier for synthetic automotive tire stock). EPA identified concerns for sensitization based on resorcinol and cashew nutshell oil. The TSCA Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(I)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health. The TSCA Order was also issued under TSCA sections 5(a)(3)(B)(ii)(II) and 5(e)(1)(A)(ii)(II), based on a finding that the substance is or will be produced in substantial quantities and that the substance either enters or may reasonably be anticipated to enter the environment in substantial quantities, or there is or may be significant (or substantial) human exposure to the substance. To protect against these risks, the TSCA Order requires:

- Submission to EPA of certain toxicity testing within 12 months of submission of a Notice of Commencement or Manufacture or Import (NOC) for the PMN substance;
- Use of personal protective equipment (where there is potential for dermal exposure);
- Use of a NIOSH-certified respirator with an APF of at least 50 (where there is a potential for inhalation exposure); and
- No use of the PMN substance in a consumer product.

The SNUR designates as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has also determined that the results of specific sensitization testing would help characterize the potential human effects of the PMN substance. The submitter has agreed not to exceed a certain production volume limit without performing an acute aquatic toxicity testing. Although the TSCA Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or relevant information.

CFR citation: 40 CFR 721.11474.

PMN Number: P–18–12

Chemical Name: Polyester polyol (generic).

CAS Number: Not available.

Effective Date of TSCA section 5(e) Order: January 30, 2020.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use will be as adhesives. Based on the chelation of calcium to form calculi, EPA has identified concern for bladder toxicity. Based on comparison to analogous esters, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substance may present an unreasonable risk of injury to human health or the environment. To protect against these risks, the TSCA Order requires:

- No predictable or purposeful release of a manufacturing, processing, or use stream associated with any use of the PMN substance into the waters of the United States exceeding a surface water concentration of 1 ppb.

The proposed SNUR would designate as a ''significant new use'' in the absence of this protective measure.

Potentially Useful Information: EPA has determined that certain information about the human health and environmental effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of acute ecotoxicity base set, chronic ecotoxicity base set, and specific target organ toxicity testing may be potentially useful to characterize the human health and environmental effects of the PMN substance. Although the TSCA Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11475.

PMN Number: P–18–18

Chemical Name: Fluorinated acrylate, polymer with alkyloxirane homopolymer monoether with alkanediol mono(2-methyl-2-propenoate), tert-Bu 2-ethylhexaneperoxoate-initiated (generic).

CAS Number: Not available.

Effective date of TSCA section 5(e) Order: October 3, 2019.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the PMN substance will be as a lubricant. Based on estimated physical/chemical properties of the PMN substance, comparison to structurally analogous chemical substances, and structural alerts for perfluoro compounds, EPA has identified lung effects and systemic effects. Based on structural alerts for peroxides and acrylates, EPA has also identified skin sensitization. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of specific information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health or the environment. To protect against these risks, the TSCA Order requires:

- No manufacture (including import) of the PMN substance beyond the confidential annual production volume;
- Refrain from domestic manufacture of the PMN substance (*i.e.,* import only);
- Refrain from manufacturing, processing, distributing in commerce or using the PMN substance in a manner that would result in the generation of respirable forms (*i.e.,* mist, vapor, or aerosol); and
- No predictable or purposeful release of a manufacturing, processing, or use stream associated with any use of the PMN substance into the waters of the United States.

The proposed SNUR would designate as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information may be potentially useful to characterize the human health effects of the PMN substance in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of skin sensitization and specific target organ toxicity testing would help characterize the potential health effects of the PMN substance. Although the TSCA Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or relevant information.

CFR citation: 40 CFR 721.11476.

PMN Number: P–18–42

Chemical name: 2,5-Furandione, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3a,4,5,6,7,7a-hexahydro-4,7-methano-1H-inden-5(or 6)-yl ester, ester with 2,3-dihydroxypropyl neodecanoate, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-hydroxyethyl

acrylate- and 2-hydroxyethyl methacrylate-blocked.

CAS number: 2245262–16–0.

Effective date of TSCA section 5(e) Order: September 19, 2018.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the PMN substance will be as an industrial coating. Based on analysis of test data on analogous acrylates, EPA identified concerns for mutagenicity, oncogenicity, developmental toxicity, liver toxicity, kidney toxicity, sensitization, and irritation. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) based on a finding that the substances may present an unreasonable risk of injury to human health or the environment. To protect against these risks, the TSCA Order requires:

- Use of personal protective equipment (where there is potential for dermal exposure);
- No use of the PMN substance involving an application method that generates a dust, mist, spray or aerosol;
- Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS;
- Use of the PMN substance only for the confidential use allowed in the TSCA Order; and
- No use of the PMN substance in a consumer product.

The SNUR would designate as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the health effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has also determined that the results of specific sensitization and developmental toxicity testing would help characterize the potential human effects of the PMN substance. Although the TSCA Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or relevant information.

CFR citation: 40 CFR 721.11477.

PMN Numbers: P–18–52 and P–18–53

Chemical Names: Perfluoroalkyl ethyl- and vinyl-modified organopolysiloxane (generic).

CAS Numbers: Not available.

Effective date of TSCA section 5(e) Order: January 14, 2020.

Basis for TSCA section 5(e) Order: The PMNs state that the generic (non-confidential) use of the PMN substances will be as coating agents. Based on high molecular weight insoluble polymers and polymers with perfluorinated tails, EPA has identified concern for lung effects (lung waterproofing and lung overload). Based on analogue data for the low molecular weight fraction, EPA has also identified concerns for thyroid, liver, and developmental toxicity. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substances may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the TSCA Order requires:

- Use of personal protective equipment to prevent dermal exposure where there is a potential for dermal exposure;
- Use of a NIOSH-certified respirator with an APF of at least 1,000 where there is a potential for inhalation exposure or compliance with a NCEL of 0.0015 mg/m^3 as an 8-hour time-weighted average (TWA) to prevent inhalation exposure;
- Establishment of a hazard communication program, including human health precautionary statements on each label and in the SDS;
- No domestic manufacture of the PMN substances (*i.e.,* import only);
- No import of the PMN substances beyond the annual production volumes of 420 kg for P–18–52 and 336 kg for P–18–53; and

The proposed SNUR would designate as a ''significant new use'' the absence of these protective measures.

Potentially Useful Information: EPA has determined that certain information about the human health effects of the PMN substances may be potentially useful in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has determined that the results of specific target organ toxicity, pulmonary effects, and reproductive toxicity testing may be potentially useful to characterize the human health effects of the PMN substances. Although the TSCA Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citations: 40 CFR 721.11478 (P–18–52) and 40 CFR 721.11479 (P–18–53).

PMN Number: P–18–62

Chemical Name: Oxirane, 2,2′-[cyclohexylidenebis(4,1-phenyleneoxymethylene)]bis-.

CAS Number: 13446–84–9.

Effective Date of TSCA section 5(e) Order: January 29, 2020.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use will be for open, non-dispersive use in coatings specifically for the electronics fields. Based on structural alerts for epoxides, EPA has identified concerns for carcinogenicity and reproductive effects. Based on submitted test data on the PMN substance and comparison to structurally analogous chemical substances, EPA has also identified concerns for mutagenicity and kidney effects. Based on QSAR predictions for analogous epoxides and neutral organics, EPA also predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substance may present an unreasonable risk of injury to human health or the environment. To protect against these ricks, the TSCA Order requires:

- Use of personal protective equipment to prevent dermal exposure where there is a potential for dermal exposure;
- Use of a NIOSH-certified respirator with an APF of at least 1,000 where there is a potential for inhalation exposure;
- Establishment of a hazard communication program, including human health precautionary statements on each label and in the SDS;
- No manufacture or processing of the PMN substance in any manner which generates inhalation exposures;
- No use of the PMN substance other than as described in the PMN; and
- No predictable or purposeful release of a manufacturing, processing, or use stream associated with any use of the PMN substance into the waters of the United States exceeding a surface water concentration of 1 ppb.

The proposed SNUR would designate as a ''significant new use'' in the absence of these protective measures.

Potentially Useful Information: EPA has determined that certain information about the human health and environmental effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is

considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of aquatic toxicity, specific target organ toxicity, reproductive toxicity, and carcinogenicity testing may be potentially useful to characterize the human health and environmental effects of the PMN substance. Although the TSCA Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11480.

PMN Numbers: P–18–74 and P–18–75

Chemical Names: Saturated fatty acid, reaction products with cadmium zinc selenide sulfide and polymeric amine (generic) (P–18–74) and Saturated fatty acid, reaction products with cadmium zinc selenide sulfide, alkylamine and polymeric amine (generic) (P–18–75).

CAS Numbers: Not available.

Effective Date of TSCA section 5(e) Order: January 31, 2020.

Basis for TSCA section 5(e) Order: The PMN for P–18–74 states that use will be as a chemical intermediate for a quantum dot used as an optical down-converter (50%), and quantum dot in an optical down-converter (50%). The PMN for P–18–75 states that use will be as a quantum dot used in an optical down-converter. Based on the physical/chemical properties of the PMN substances and comparison to structurally analogous chemical substances, EPA has identified concerns for carcinogenicity, immunotoxicity, lung effects, dermal, ocular and respiratory irritation, and undesignated sensitization. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substances may present an unreasonable risk of injury to human health or the environment. To protect against these risks, the TSCA Order requires:

- No manufacture of the PMN substances with a cadmium percentage greater than the confidential value stated in the Order;
- No use of the PMN substance P–18–74 other than as a chemical intermediate for a quantum dot used as an optical down-converter or as a quantum dot in an optical down-converter;
- No use of the PMN substance P–18–75 other than as a quantum dot used in an optical down-converter;
- No manufacture, processing, or use of the PMN substances in any manner which results in inhalation exposure;
- Manufacture, process, or use the PMN substances only in liquid formulation;
- Only dispose of the PMN substances by incineration in a permitted hazardous waste incinerator;
- No predictable or purposeful release of a manufacturing, processing, or use stream associated with any use of the PMN substance into the waters of the United States;
- Use of dermal personal protective equipment where there is a potential for dermal exposure; and
- Establishment and use of a hazard communication program, including human health precautionary statements on each label and in the SDS.

The proposed SNUR would designate as a ''significant new use'' in the absence of these protective measures.

Potentially Useful Information: EPA has determined that certain information about the human health and environmental effects of the PMN substances may be potentially useful in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that will be designated by this SNUR. EPA has determined that the results of eye damage, skin irritation, skin sensitization, pulmonary toxicity, specific target organ toxicity, carcinogenicity, and acute and chronic aquatic toxicity testing may be potentially useful to characterize the human health and environmental effects of the PMN substances. Although the TSCA Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citations: 40 CFR 721.11481 (P–18–74) and 40 CFR 721.11482 (P–18–75).

PMN Number: P–18–160

Chemical name: Heteropolycyclic, halo substituted alkyl substituted-diaromatic amino substituted carbomonocycle, halo substituted alkyl substituted heteropolycyclic, tetraaromatic metalloid salt (1:1) (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: December 10, 2019.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be as a coating component. EPA identified concerns for acute toxicity, neurotoxicity, eye irritation, and photosensitization based on physical/chemical properties and comparison to analogous chemical substances. EPA has also identified concerns for aquatic toxicity based on comparison to analogous cationic dyes. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the TSCA Order requires:

Submission to EPA of certain toxicity testing before manufacturing the chemical for more than 18 months;

- Use of personal protective equipment where there is a potential for dermal exposure;
- Use of a NIOSH-certified respirator with an APF of at least 50 to prevent inhalation exposure where there is a potential for inhalation exposure;
- Establishment of a hazard communication program, including health precautionary statements on each label and in the SDS;
- Refraining from domestic manufacture in the United States (*i.e.,* import only);
- Refraining from manufacturing the PMN substance beyond the confidential annual manufacture (which includes import) production volume specified in the TSCA Order;
- Refraining from manufacturing the PMN substance in the form of a powder, liquid or gas (*i.e.,* solid only); and
- No predictable or purposeful release of a manufacturing, processing, or use stream associated with any use of the PMN substance into the waters of the United States.

The proposed SNUR would designate as a ''significant new use'' the absence protective measures.

Potentially useful information: EPA has determined that certain information about the environmental and health effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. The submitter has agreed not to exceed certain production volume limits without performing the combined repeated dose toxicity with reproduction/developmental toxicity screening test with functional observation battery test. EPA has also determined that the results of chronic aquatic toxicity, acute toxicity, eye irritation, specific target organ toxicity, and photosensitization testing may be potentially useful to characterize the environmental and human health effects

of the PMN substance. Although the TSCA Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11483

PMN Numbers: P–18–237 and P–18–292

Chemical Names: Alkanediol, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, alkylaminoalkyl methacrylate- and dialkylheteromonocycle-blocked (generic) (P–18–237) and Alkanediol, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, alkylaminoalkyl methacrylate-blocked (generic) (P–18–292).

CAS Numbers: Not available.

Effective date of TSCA section 5(e) Order: September 17, 2019.

Basis for TSCA section 5(e) Order: The PMNs state that the generic (non-confidential) use of the PMN substances will be for use in print resins. Based on estimated physical/chemical properties of the PMN substances, comparison to structurally analogous chemical substances, and structural alerts for methacrylates, EPA has identified eye and skin irritation, skin sensitization, and systemic effects. Based on the comparison to structurally analogous acrylates/methacrylates, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of specific information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health or the environment. To protect against these risks, the TSCA Order requires:

- No manufacturing, processing, or use of the PMN substances in any manner or method that generates dust, spray, vapor, mist, or aerosol; and
- No predictable or purposeful release of a manufacturing, processing, or use stream associated with any use of the PMN substance into the waters of the United States exceeding a surface water concentration of 1 ppb.

The proposed SNUR would designate as a ''significant new use'' the absence of these protective measures.

Potentially useful information: EPA has determined that certain information may be potentially useful to characterize the human health and environmental effects of the PMN substances if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this proposed SNUR. EPA has determined that the results of chronic aquatic toxicity, eye irritation, skin irritation, skin sensitization, and specific target organ toxicity testing would help characterize the potential health and environmental effects of the PMN substances.

CFR citations: 40 CFR 721.11484 (P–18–237) and 40 CFR 721.11485 (P–18–292).

PMN Number: P–18–287

Chemical Name: Synthetic oil from tires (generic).

CAS Number: Not available.

Effective Date of TSCA section 5(e) Order: December 17, 2019.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be to produce ''tires, wastes, pyrolyzed, condensate oil fraction'' (CASRN 1312024–02–4) from scrap tire materials. The synthetic oil fraction from tire waste pyrolysis can be used in a variety of industries. Some examples of use of synthetic oil include use as a fuel, upgraded for use as a higher quality fuel, as an additive for asphalt or other complex mixtures, used to manufacture other chemicals, etc. EPA has identified concerns for irritation and neurotoxicity based on structural alerts for solvents, and systemic toxicity, developmental/reproductive toxicity, and carcinogenicity based on a constituent of the new chemical, benzene. EPA has also identified aspiration hazard based on measured kinematic viscosity. Based on SAR analysis of analogous neutral organics, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 5 ppb. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the TSCA Order requires:

- No manufacture of the PMN substance other than as described in the PMN;
- No manufacturing, processing, or use of the PMN substance for consumer or ''commercial uses'' (as the term is defined at 40 CFR 721.3) when the saleable goods or service could introduce the PMN substance into a ''consumer'' setting (as that term is defined in 40 CFR 721.3); and
- Waste streams from manufacture, processing, and use must be disposed of only by incineration.

The proposed SNUR would designate as a ''significant new use'' in the absence of these protective measures.

Potentially useful information: EPA has determined that certain information about the environmental and health effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has determined that the results of aquatic toxicity, skin irritation, eye irritation, specific target organ toxicity, reproductive toxicity (developmental effects), and carcinogenicity testing may be potentially useful to characterize the environmental and human health effects of the PMN substance. Although the TSCA Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11486.

PMN Number: P–19–51

Chemical name: 1,3-Propanediamine, N1,N1-dimethyl-, polymers with alkylene glycol ether with alkyltriol (3:1) mixed acrylates and adipates, and alkylene glycol monoacrylate ether with alkyltriol (3:1) (generic).

CAS number: Not available.

Effective date of TSCA section 5(e) Order: October 22, 2019.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be as a UV curable ink. EPA has identified concerns for skin and respiratory sensitization and skin and eye irritation based on the methacrylate/acrylate composition. EPA also identified liver effects based on the extent the low molecular weight fractions are bioavailable. Based on comparison to analogous polycationic polymers, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 3 ppb. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the TSCA Order requires:

- Establishment of a hazard communication program, including human health precautionary statements on each label and in the SDS;
- No domestic manufacture of the PMN substance (*i.e.,* import only);

• No use of the PMN substance other than for the confidential use specified in the TSCA Order; and

• No predictable or purposeful release of a manufacturing, processing, or use stream associated with any use of the PMN substance into the waters of the United States exceeding a surface water concentration of 3 ppb.

The proposed SNUR would designate as a ''significant new use'' the absence of these protective measures.

Potentially Useful Information: EPA has determined that certain information may be potentially useful to characterize the human health and environmental effects of the PMN substance in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has determined that the results of acute and chronic aquatic toxicity, specific target organ toxicity, skin sensitization, skin irritation, and eye irritation testing would help EPA determine the potential human and environmental effects of the PMN substance. Although the TSCA Order does not require this information, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11487.

PMN Number: P–19–55

Chemical Name: 1,3-Propanediol, 2-ethyl-2-(hydroxymethyl)-, polymer with oxirane, 4-(dimethylamino)benzoate.

CAS Number: 2067275–86–7.

Effective Date of TSCA section 5(e) Order: January 14, 2020.

Basis for TSCA section 5(e) Order: The PMN states that the use of the substance will be as a photo initiator within UV curable coating/ink formulations. Based on submitted test data, EPA has identified concerns for sensitization, reproductive, and systemic effects. Based on submitted acute and chronic toxicity data, EPA has also identified concern for toxicity to aquatic organisms may occur at concentrations that exceed 12 ppb. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the TSCA Order requires:

• No manufacturing, processing, or use of the PMN substance in any manner that results in inhalation exposure;

• No use of the PMN substance other than as a photo initiator within UV curable coating/ink formulations; and

• No predictable or purposeful release of a manufacturing, processing, or use stream associated with any use of the PMN substance into the waters of the United States exceeding a surface water concentration of 12 ppb.

The proposed SNUR would designate as a ''significant new use'' in the absence of these protective measures.

Potentially Useful Information: EPA has determined that certain information about the environmental effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has determined that the results of developmental/reproductive toxicity testing may be potentially useful to characterize the human health effects of the PMN substance. Although the TSCA Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11488.

PMN Number: P–19–159

Chemical Name: Titanium (4+) hydroxyl-alkylcarboxylate salt complex (generic).

CAS Number: Not available.

Effective Date of TSCA section 5(e) Order: January 10, 2020.

Basis for TSCA section 5(e) Order: The PMN states that the generic (non-confidential) use of the substance will be as a catalyst in the industrial sector. Based on the reactive nature of the PMN substance, presence of acid moieties, titanium (to the extent it is bioavailable), and information in the SDS, EPA has identified concerns for irritation to the eyes, skin, and respiratory tract, severe skin burns and eye damage, and skin and respiratory sensitization. Based on test data available on the PMN substance and comparison to analogous substances, EPA predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb. The Order was issued under TSCA sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation the substance may present an unreasonable risk of injury to human health and the environment. To protect against these risks, the TSCA Order requires:

• No manufacture, processing, or use of the PMN substance in any manner or method that generates inhalation exposure; and

• No predictable or purposeful release of a manufacturing, processing, or use stream associated with any use of the PMN substance into the waters of the United States exceeding a surface water concentration of 1 ppb.

The proposed SNUR would designate as a ''significant new use'' in the absence of these protective measures.

Potentially Useful Information: EPA has determined that certain information about the human health effects of the PMN substance may be potentially useful in support of a request by the PMN submitter to modify the TSCA Order, or if a manufacturer or processor is considering submitting a SNUN for a significant new use that would be designated by this SNUR. EPA has determined that the results of pulmonary effects, skin irritation, eye irritation, skin sensitization, and specific target organ toxicity testing may be potentially useful to characterize the human health effects of the PMN substance. Although the TSCA Order does not require these tests, the TSCA Order's restrictions remain in effect until the TSCA Order is modified or revoked by EPA based on submission of this or other relevant information.

CFR citation: 40 CFR 721.11489.

V. Rationale and Objectives of the Proposed Rule

A. Rationale

During review of the PMNs submitted for the chemical substances that are subject to these proposed SNURs, EPA concluded that regulation was warranted under TSCA section 5(e), pending the development of information sufficient to make reasoned evaluations of the health or environmental effects of the chemical substances. The basis for such findings is outlined in Unit IV. Based on these findings, TSCA section 5(e) Orders requiring the use of appropriate exposure controls were negotiated with the PMN submitters. As a general matter, EPA believes it is necessary to follow TSCA section 5(e) Orders with a SNUR that identifies the absence of those protective measures as Significant New Uses to ensure that all manufacturers and processors—not just the original submitter—are held to the same standard.

B. Objectives

EPA is proposing these SNURs for specific chemical substances which have undergone premanufacture review because the Agency wants:

• To identify as significant new uses any manufacturing, processing, use,

distribution in commerce, or disposal that does not conform to the restrictions imposed by the underlying TSCA Orders, consistent with TSCA section 5(f)(4).

- To have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing or processing a listed chemical substance for the described significant new use.
- To be able to either determine that the prospective manufacture or processing is not likely to present an unreasonable risk, or to take necessary regulatory action associated with any other determination, before the described significant new use of the chemical substance occurs.

VI. Applicability of the Proposed Significant New Use Designation

To establish a significant new use, EPA must determine that the use is not ongoing. The chemical substances subject to this proposed rule have undergone premanufacture review. In cases where EPA has not received a notice of commencement (NOC) and the chemical substance has not been added to the TSCA Inventory, no person may commence such activities without first submitting a PMN. Therefore, for chemical substances for which an NOC has not been submitted EPA concludes that the designated significant new uses are not ongoing.

When chemical substances identified in this proposed rule are added to the TSCA Inventory, EPA recognizes that, before the rule is effective, other persons might engage in a use that has been identified as a significant new use. However, TSCA section 5(e) Orders have been issued for these chemical substances, and the PMN submitters are prohibited by the TSCA section 5(e) Orders from undertaking activities which would be designated as significant new uses. The identities of 18 of the 24 chemical substances subject to this proposed rule have been claimed as confidential (per 40 CFR 720.85) for a chemical substance covered by this action. Based on this, the Agency believes that it is highly unlikely that any of the significant new uses described in the regulatory text of this proposed rule are ongoing.

Therefore, EPA designates May 4, 2020 as the cutoff date for determining whether the new use is ongoing. The objective of EPA's approach is to ensure that a person cannot defeat a SNUR by initiating a significant new use before the effective date of the final rule.

In the unlikely event that a person began commercial manufacture or processing of the chemical substances for a significant new use identified as of that date would have to cease any such activity upon the effective date of the final rule. To resume their activities, these persons would have to first comply with all applicable SNUR notification requirements and wait until EPA has conducted a review of the notice, made an appropriate determination on the notice, and has taken such actions as are required with that determination.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory (TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the internet at *http://www.epa.gov/opptintr/existingchemicals/pubs/tscainventory/index.html.*

VII. Development and Submission of Information

EPA recognizes that TSCA section 5 does not require developing any particular new information (*e.g.,* generating test data) before submission of a SNUN. There is an exception: If a person is required to submit information for a chemical substance pursuant to a rule, Order or consent agreement under TSCA section 4 (15 U.S.C. 2603), then TSCA section 5(b)(1)(A) (15 U.S.C. 2604(b)(1)(A)) requires such information to be submitted to EPA at the time of submission of the SNUN.

In the absence of a rule, Order, or consent agreement under TSCA section 4 covering the chemical substance, persons are required only to submit information in their possession or control and to describe any other information known or reasonably ascertainable (40 CFR 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. Unit IV. lists potentially useful information for all SNURs listed here. Descriptions of this information is provided for informational purposes. The potentially useful information identified in Unit IV of the proposed rule will be useful to EPA's evaluation in the event that someone submits a SNUN for the significant new use. Companies who are considering submitting a SNUN are encouraged, but not required, to develop the information on the substance, which may assist with EPA's analysis of the SNUN. EPA strongly encourages persons, before performing any testing, to consult with the Agency. Furthermore, pursuant to TSCA section 4(h), which pertains to reduction of testing on vertebrate animals, EPA encourages dialog with the Agency on the use of alternative test methods and strategies (also called New Approach Methodologies, or NAMs), if available, to generate the potentially useful information. EPA encourages dialogue with Agency representatives to help determine how best the submitter can meet both the data needs and the objective of TSCA section 4(h). To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.'' The Organisation for Economic Co-operation and Development test guidelines are available from the OECD Bookshop at *http://www.oecdbookshop.org* or SourceOECD at *http://www.sourceoecd.org.*

The potentially useful information listed in Unit IV. may not be the only means of addressing the potential risks of the chemical substance. However, submitting a SNUN without any test data or other information may increase the likelihood that EPA will take action under TSCA section 5(e) or 5(f). EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substances.
- Information on risks posed by the chemical substances compared to risks posed by potential substitutes.

VIII. SNUN Submissions

According to 40 CFR 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in 40 CFR 720.40. E–PMN software is available electronically at *http://www.epa.gov/opptintr/newchems.*

IX. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers and processors of the chemical substances subject to this proposed rule. EPA's complete economic analysis is available in the

docket under docket ID number EPA–HQ–OPPT–2019–0596.

X. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations-and-executive-orders.*

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

This proposed rule would establish SNURs for 3 new chemical substances that were the subject of PMNs. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

According to the PRA, 44 U.S.C. 3501 *et seq.,* an Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Regulatory Support Division, Office of Mission Support (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

C. Regulatory Flexibility Act (RFA)

Pursuant to section 605(b) of the RFA, 5 U.S.C. 601 *et seq.,* the Agency hereby certifies that promulgation of this proposed SNUR would not have a significant adverse economic impact on a substantial number of small entities. The requirement to submit a SNUN applies to any person (including small or large entities) who intends to engage in any activity described in the final rule as a ''significant new use.'' Because these uses are ''new,'' based on all information currently available to EPA, it appears that no small or large entities presently engage in such activities. A SNUR requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a SNUN. Although some small entities may decide to pursue a significant new use in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of SNURs covering over 1,000 chemicals, the Agency receives only a small number of notices per year. For example, the number of SNUNs received was seven in Federal fiscal year (FY) 2013, 13 in FY2014, six in FY2015, 12 in FY2016, 13 in FY2017, and 11 in FY2018, only a fraction of these were from small businesses. In addition, the Agency currently offers relief to qualifying small businesses by reducing the SNUN submission fee from $16,000 to $2,800. This lower fee reduces the total reporting and recordkeeping of cost of submitting a SNUN to about $10,116 for qualifying small firms. Therefore, the potential economic impacts of complying with this proposed SNUR are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published in the **Federal Register** of June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented its general determination that final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this proposed rule. As such, EPA has determined that this proposed rule does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1531–1538 *et seq.*).

E. Executive Order 13132: Federalism

This action would not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

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

This proposed rule would not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This proposed rule would not significantly nor uniquely affect the communities of Indian Tribal governments, nor does it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175 (65 FR 67249, November 9, 2000), do not apply to this proposed rule.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

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

This proposed rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

In addition, since this action does not involve any technical standards, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

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

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994).

List of Subjects

40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: April 13, 2020.

Tala Henry,

Deputy Director, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

PARTS 721—[AMENDED]

■ 1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607 and 2625(c).

■ 2. Add §§ 721.11466 through 721.11489 to subpart E to read as follows:

Subpart E—Significant New Uses for Specific Chemical Substances

* * * * *

Secs.

721.11466 Aromatic amide oxime (generic).
721.11467 Carbon nanotubes (generic).
721.11468 Aromatic hydrocarbon resin (generic).
721.11469 Pentaerythritol ester of mixed linear and branched carboxylic acids (generic) (P–17–193, chemical A).
721.11470 Dipentaerythritol ester of mixed linear and branched carboxylic acids (generic) (P–17–193, chemical B).
721.11471 Alkylheterocyclic amine blocked isocyanate, alkoxysilane polymer (generic).
721.11472 Isocyanic acid, polymethylenepolyphenylene ester, caprolactam- and phenol-blocked.
721.11473 Benzamide, 2-(trifluoromethyl)-.
721.11474 Cashew, nutshell liq. polymer with formaldehyde, phenol and resorcinol.
721.11475 Polyester polyol (generic).
721.11476 Fluorinated acrylate, polymer with alkyloxirane homopolymer monoether with alkanediol mono(2-methyl-2-propenoate), tert-Bu 2-ethylhexaneperoxoate-initiated (generic).
721.11477 2,5-Furandione, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3a,4,5,6,7,7a-hexahydro-4,7-methano-1H-inden-5(or 6)-yl ester, ester with 2,3-dihydroxypropyl neodecanoate, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-hydroxyethyl acrylate- and 2-hydroxyethyl methacrylate-blocked.
721.11478 Perfluoroalkyl ethyl- and vinyl-modified organopolysiloxane (generic).
721.11479 Perfluoroalkyl ethyl- and vinyl-modified organopolysiloxane (generic).
721.11480 Oxirane, 2,2′-[cyclohexylidenebis(4,1-phenyleneoxymethylene)]bis-.
721.11481 Saturated fatty acid, reaction products with cadmium zinc selenide sulfide and polymeric amine (generic).
721.11482 Saturated fatty acid, reaction products with cadmium zinc selenide sulfide, alkylamine and polymeric amine (generic).
721.11483 Heteropolycyclic, halo substituted alkyl substituted- diaromatic amino substituted carbomonocycle, halo substituted alkyl substituted heteropolycyclic, tetraaromatic metalloid salt (1:1) (generic).
721.11484 Alkanediol, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, alkylaminoalkyl methacrylate-, and dialkylheteromonocycle-blocked (generic).
721.11485 Alkanediol, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, alkylaminoalkyl methacrylate-blocked (generic).
721.11486 Synthetic oil from tires (generic).
721.11487 1,3-Propanediamine, N1,N1-dimethyl-, polymers with alkylene glycol ether with alkyltriol (3:1) mixed acrylates and adipates, and alkylene glycol monoacrylate ether with alkyltriol (3:1) (generic).
721.11488 1,3-Propanediol, 2-ethyl-2-(hydroxymethyl)-, polymer with oxirane, 4-(dimethylamino)benzoate.
721.11489 Titanium (4+) hydroxyl-alkylcarboxylate salt complex (generic).

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§ 721.11466 Aromatic amide oxime (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as aromatic amide oxime (PMN P–14–865) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) through (3), (b), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(6), particulate (including solids or liquid droplets). For purposes of § 721.63(b), concentration is set at 1.0%.

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g).

(iii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) and, (c)(4) where N = 30.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11467 Carbon nanotubes (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as carbon nanotubes (PMN P–15–54) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the PMN substance that have been (i) embedded or incorporated into a polymer matrix that itself has been reacted (cured) or (ii) embedded in a permanent solid polymer form that is not intended to undergo further processing, except mechanical processing.

(2) The significant new uses are:

(i) *Workplace protection.* Requirements as specified in § 721.63(a)(1), (2)(i) and (ii), (3), (4) through (6), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50. For purposes of § 721.63(a)(6), particulate (including solids or liquid droplets).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) (chemical intermediate to manufacture functionalized carbon nanotubes by oxidation with nitric acid; additive in rubber polymers to improve mechanical/physical/chemical/electrical properties; additive in resin polymers to improve mechanical/physical/chemical/electrical properties;

additive in metals to improve electrical/thermal properties; additive in ceramics to improve mechanical/electrical/thermal properties; semi-conductor, conductive, or resistive element in electronic circuitry and devices; electric collector element or electrode in energy devices; photoelectric or thermoelectric conversion elements in energy devices; catalyst support element or catalytic electrode for use in energy devices; additive for transparency and conductivity in electronic devices; and electro-mechanical element in actuator, sensor, or switching devices).

(iii) *Disposal.* Requirements as specified in § 721.85(a)(1) and (2), (b)(1) and (2), and (c)(1) and (2).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (e), and (i) through (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11468 Aromatic hydrocarbon resin (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as aromatic hydrocarbon resin (PMN P–16–583) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) (hot-melt sealant for motor vehicle lamps). It is a significant new use to manufacture the PMN substance with an average number molecular weight of less than 1000 grams per mole.

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11469 Pentaerythritol ester of mixed linear and branched carboxylic acids (generic) (P–17–193, chemical A).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as pentaerythritol ester of mixed linear and branched carboxylic acids (PMN P–17–193, chemical A) is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) The significant new use is:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 330.

(ii) [Reserved]

(b) *Specific requirements.* The provision of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain modification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11470 Dipentaerythritol ester of mixed linear and branched carboxylic acids (generic) (P–17–193, chemical B).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as dipentaerythritol ester of mixed linear and branched carboxylic acids (PMN P–17–193, chemical B) is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) The significant new use is:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 330.

(ii) [Reserved]

(b) *Specific requirements.* The provision of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain modification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11471 Alkylheterocyclic amine blocked isocyanate, alkoxysilane polymer (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkylheterocyclic amine blocked isocyanate, alkoxysilane polymer (PMN P–17–221) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this TSCA Order do not apply to quantities of the PMN substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i) and (iii), (a)(3) and (6) (particulate), (b) (concentration set at 1.0%), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (e) (concentration set at 1.0%), (f), (g)(1)(i) and (ii), (2)(i) through (iii), (v), and (g)(5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k). It is a significant new use to formulate the PMN to a concentration greater than 10%.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii).

§ 721.11472 Isocyanic acid, polymethylenepolyphenylene ester, caprolactam- and phenol-blocked.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as isocyanic acid, polymethylenepolyphenylene ester, caprolactam- and phenol-blocked (PMN

P–17–282, CAS NO. 2093945–13–0) is subject to reporting under this section for the significant new uses described paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the PMN substance in any manner or method that generates inhalation exposure to phenol or caprolactam.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 1.

(b) *Specific requirements.* The provision of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain modification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11473 Benzamide, 2-(trifluoromethyl)-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as benzamide, 2-(trifluoromethyl)- (PMN P–17–334, CAS No. 360–64–5) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (2)(i) and (iv), (3), (4), (6)(v) and (vi) (particulate), (b) (concentration set at 0.1%), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (e) (concentration set at 0.1%), (f), (g)(1)(iii) through (v), and (ix), (2)(i) through (iii), and (v), (3)(i) and (ii), and (5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (g), and (y)(1).

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 39.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11474 Cashew, nutshell liq. polymer with formaldehyde, phenol and resorcinol.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as cashew nutshell liq. polymer with formaldehyde, phenol and resorcinol (PMN P–17–386, CAS No. 2044014–81–3) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (3) through (5), (6)(v) and (vi) ((particulate), (combination gas/vapor and particulate)), (b) (concentration set at 1.0%), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (e) (concentration set at 1.0%), (f), (g)(1)(i) (skin and respiratory sensitization), (2)(i), (ii), (iv), (v), (4)(iii), and (5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(o). It is a significant new use to manufacture the substance for more than one year.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11475 Polyester polyol (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as polyester polyol (PMN P–18–12) is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 1.

(ii) [Reserved]

(b) *Specific requirements.* The provision of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain modification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11476 Fluorinated acrylate, polymer with alkyloxirane homopolymer monoether with alkanediol mono(2-methyl-2-propenoate), tert-Bu 2-ethylhexaneperoxoate-initiated (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as fluorinated acrylate, polymer with alkyloxirane homopolymer monoether with alkanediol mono(2-methyl-2-propenoate), tert-Bu 2-ethylhexaneperoxoate-initiated (PMN P–18–18) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (t), and (y)(1).

(ii) *Releases to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

§ 721.11477 2,5-Furandione, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3a,4,5,6,7,7ahexahydro- 4,7-methano-1H-inden-5(or 6)-yl ester, ester with 2,3-dihydroxypropyl neodecanoate, polymer with 5-isocyanato-l-(isocyanatomethyl)-1,3, 3-trimethylcyclohexane, 2-hydroxyethyl acrylate- and 2-hydroxyethyl methacrylate-blocked.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 2,5-furandione, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3a,4,5,6,7,7ahexahydro- 4,7-methano-1H-inden-5(or 6)-yl ester, ester with 2,3-dihydroxypropyl neodecanoate, polymer with 5-isocyanato-l-(isocyanatomethyl)-1,3, 3-trimethylcyclohexane, 2-hydroxyethyl acrylate- and 2-hydroxyethyl methacrylate-blocked (PMN P–18–42, CAS No. 2245262–16–0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the PMN substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (2)(i) through (iv), (3), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1)(i), (ii), (iv), (vii), (ix) (eye irritation), (2)(i) through (iii), (v) (avoid eye contact), and (5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k), (o), and (y)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii).

§ 721.11478 Perfluoroalkyl ethyl- and vinyl-modified organopolysiloxane (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as perfluoroalkyl ethyl- and vinyl-modified organopolysiloxane (PMN P–18–52) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1) through (5), and (c). When determining which persons are reasonably likely to be exposed as required by § 721.63(a)(1) and (a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 1,000), (6)(combination gas/vapor and particulate.

(A) As an alternative to respirator requirements in paragraph (a)(2)(i) of this section, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provision listed in TSCA section 5(e) consent order for this substance. The NCEL is 0.0015 mg/m^3 as an 8-hour time weighted average. Persons who wish to pursue NCELs as an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will be required to follow NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) consent order.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1)(vi) (specific target organ toxicity), (2)(i) through (v), and (5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used. For purposes of § 721.72(g)(2)(iv), use respiratory protection or maintain workplace airborne concentrations at or below an 8-hour time-weighted average of 0.0015 mg/m^3.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (t) (420 kilograms).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain modification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11479 Perfluoroalkyl ethyl- and vinyl-modified organopolysiloxane (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as perfluoroalkyl ethyl- and vinyl-modified organopolysiloxane (PMN P–18–53) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (3) through (6) (combination gas/vapor and particulate), and (c). When determining which persons are reasonably likely to be exposed as required by § 721.63(a)(1) and (a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health

(NIOSH) assigned protection factor (APF) of at least 1,000.

(A) As an alternative to respirator requirements in paragraph (a)(2)(i) of this section, a manufacturer or processor may choose to follow the new chemical exposure limit (NCEL) provision listed in TSCA section 5(e) consent order for this substance. The NCEL is 0.0015 mg/m^3 as an 8-hour time weighted average. Persons who wish to pursue NCELs as an alternative to § 721.63 respirator requirements may request to do so under § 721.30. Persons whose § 721.30 requests to use the NCELs approach are approved by EPA will be required to follow NCELs provisions comparable to those contained in the corresponding TSCA section 5(e) consent order.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1)(vi) (specific target organ toxicity), (2)(i) through (v), and (5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used. For purposes of § 721.63(g)(2)(iv), use respiratory protection or maintain workplace airborne concentrations at or below an 8-hour time-weighted average of 0.0015 mg/m^3.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (t) (336 kilograms).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain modification requirements.* The provisions of § 1721.185 apply to this section.

§ 721.11480 Oxirane, 2,2′-[cyclohexylidenebis(4,1-phenyleneoxymethylene)]bis-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical identified as oxirane, 2,2′-[cyclohexylidenebis(4,1-phenyleneoxymethylene)]bis- (PMN P–18–62, CAS No. 13446–84–9) is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the PMN substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (3) through (6) (particulate including solids or liquid droplets), (b) (concentration set at 0.1%), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 1,000.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 0.1%), (f), (g)(1)(vi), (vii) (specific target organ toxicity), (2)(i) through (iii) (use respiratory protection when spraying), (v), (3)(i) and (ii), (4)(i), and (5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k). It is a significant new use to manufacture or process the PMN substance in any manner which generates inhalation exposures.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 1.

(b) *Specific requirements.* The provision of subpart A of this part apply to this section as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain modification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

§ 721.11481 Saturated fatty acid, reaction products with cadmium zinc selenide sulfide and polymeric amine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical identified generically as saturated fatty acid, reaction products with cadmium zinc selenide sulfide and polymeric amine (PMN P–18–74) is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (3), (6) (particulate (including solids or liquid droplets), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1)(i), (vii) ((pulmonary toxicity), (eye damage), (specific target organ toxicity), (skin sensitization)), (2)(i) through (iii), and (v), (3)(i) and (ii), (4)(i) and (iii), and (5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) (chemical intermediate for a quantum dot used as an optical down-converter (50%), and quantum dot in an optical down-converter (50%)). It is a significant new use to manufacture, process, or use the PMN substance in other than a liquid formulation. It is a significant new use to manufacture or process the PMN substance in any manner which generates inhalation exposures. It is a significant new use to manufacture the PMN substance with a cadmium percentage greater than the confidential level identified in the TSCA Order.

(iv) *Disposal.* It is a significant new use to dispose of the PMN substance in any manner other than by incineration in a permitted hazardous waste incinerator.

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provision of subpart A of this part apply to this section as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (d), and (f) through (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain modification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

§ 721.11482 Saturated fatty acid, reaction products with cadmium zinc selenide sulfide, alkylamine and polymeric amine (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical identified generically as saturated fatty acid, reaction products with cadmium zinc selenide sulfide, alkylamine and polymeric amine (PMN P–18–75) is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (3), (6) (particulate (including solids or liquid droplets)), and (c). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative control measures (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1)(i), (vii) ((pulmonary toxicity), (eye damage), (specific target organ toxicity), (skin sensitization)), (2)(i) through (iii), and (v), (3)(i) and (ii), (4)(i) and (iii), and (5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k)(quantum dot in an optical down-converter). It is a significant new use to manufacture, process, or use the PMN substance in other than a liquid formulation. It is a significant new use to manufacture or process the PMN substance in any manner which generates inhalation exposures. It is a significant new use to manufacture the PMN substance with a cadmium percentage greater than the confidential value stated in the TSCA Order.

(iv) *Disposal.* It is a significant new use to dispose of the PMN substance in any manner other than by incineration in a permitted hazardous waste incinerator.

(v) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provision of subpart A of this part apply to this section as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (d), and (f) through (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain modification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

§ 721.11483 Heteropolycyclic, halo substituted alkyl substituted- diaromatic amino substituted carbomonocycle, halo substituted alkyl substituted heteropolycyclic, tetraaromatic metalloid salt (1:1) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as heteropolycyclic, halo substituted alkyl substituted- diaromatic amino substituted carbomonocycle, halo substituted alkyl substituted heteropolycyclic, tetraaromatic metalloid salt (1:1) (PMN P–18–160) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (2)(i) through (iv), and (3) through (6) ((solids), (liquid droplets)). When determining which persons are reasonably likely to be exposed as required for § 721.63(a)(1) and (a)(4), engineering control measures (*e.g.,* enclosure or confinement of the operation, general and local ventilation) or administrative (*e.g.,* workplace policies and procedures) shall be considered and implemented to prevent exposure, where feasible. For purposes of § 721.63(a)(5), respirators must provide a National Institute for Occupational Safety and Health (NIOSH) assigned protection factor (APF) of at least 50.

(ii) *Hazard communication.* Requirements as specified in § 721.72(a) through (d), (f), (g)(1) ((acute toxicity), (neurotoxicity), (photosensitization), (eye irritation)), (2)(i) through (v), (3)(i) and (ii), and (4)(iii). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f), (t), and (w)(1), (3), and (4). It is a significant new use to manufacture the substance for more than 18 months.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(iii) of this section.

§ 721.11484 Alkanediol, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, alkylaminoalkyl methacrylate-, and dialkylheteromonocycle-blocked (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkanediol, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, alkylaminoalkyl methacrylate-, and dialkylheteromonocycle-blocked (PMN P–18–237) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the PMN substance in any manner or method that generates dust, spray, vapor, mist, or aerosol.

(ii) *Releases to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 1.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11485 Alkanediol, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, alkylaminoalkyl methacrylate-blocked (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as alkanediol, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, alkylaminoalkyl methacrylate-blocked (PMN P–18–292) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been reacted (cured).

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the PMN substance in any manner or method that generates dust, spray, vapor, mist, or aerosol.

(ii) *Releases to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 1.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

§ 721.11486 Synthetic oil from tires (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as synthetic oil from tires (PMN P–18–287) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k) and (o).

(ii) *Disposal.* Requirements as specified in § 721.85(a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i) and (j) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(i) of this section.

§ 721.11487 1,3-Propanediamine, N1,N1-dimethyl-, polymers with alkylene glycol ether with alkyltriol (3:1) mixed acrylates and adipates, and alkylene glycol monoacrylate ether with alkyltriol (3:1) (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as 1,3-propanediamine, N1,N1-dimethyl-, polymers with alkylene glycol ether with alkyltriol (3:1) mixed acrylates and adipates, and alkylene glycol monoacrylate ether with alkyltriol (3:1) (PMN P–19–51) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the PMN substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Hazard communication.* Requirements as specified in § 721.72(a) through (e) (concentration set at 0.1%), (f), (g)(1)(i), (iv) ((eye irritation), (skin sensitization), (respiratory sensitization)), (2)(i) through (v), (3)(i) and (ii), (4)(i) and (ii), and (5). Alternative hazard and warning statements that meet the criteria of the Globally Harmonized System (GHS) and OSHA Hazard Communication Standard may be used.

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f) and (k).

(iii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 3.

(b) Specific requirements. The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) Recordkeeping. Recordkeeping requirements as specified in § 721.125(a) through (d), (f) through (i), and (k) are applicable to manufacturers and processors of this substance.

(2) Limitations or revocation of certain notification requirements. The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to paragraph (a)(2)(ii) of this section.

§ 721.11488 1,3-Propanediol, 2-ethyl-2-(hydroxymethyl)-, polymer with oxirane, 4-(dimethylamino)benzoate.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1,3-propanediol, 2-ethyl-2-(hydroxymethyl)-, polymer with oxirane, 4-(dimethylamino)benzoate (PMN P–19–55, CAS No. 2067275–86–7) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) if this section. The requirements of this section do not apply to quantities of the PMN substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(k)(photo initiator within UV curable coating/ink formulations). It is a significant new use to manufacture, process, or use the PMN substance in any manner that results in inhalation exposure.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 12.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain modification requirements.* The provisions of § 1721.185 apply to this section.

§ 721.11489 Titanium (4+) hydroxyl-alkylcarboxylate salt complex (generic).

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as titanium (4+) hydroxyl-alkylcarboxylate salt complex (PMN P–19–159) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply to quantities of the substance after they have been completely reacted (cured).

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* It is a significant new use to manufacture, process, or use the PMN substance in any manner or method that generates inhalation exposure.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) where N = 1.

(b) *Specific requirements.* The provision of subpart A of this part apply

to this section except as modified by this paragraph (b).

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (c), (i), and (k) are applicable to manufacturers and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

[FR Doc. 2020–08714 Filed 5–1–20; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Chapter IV

[CMS–2324–N]

Coordinating Care From Out-of-State Providers for Medicaid-Eligible Children With Medically Complex Conditions; Reopening of Comment Period

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice; reopening of comment period.

SUMMARY: This document reopens the comment period for the January 21, 2020 request for information entitled ''Coordinating Care From Out-of-State Providers for Medicaid-Eligible Children With Medically Complex Conditions''. That document requested information (RFI) to seek public comments regarding the coordination of care from out-of-state providers for Medicaid-eligible children with medically complex conditions. We wish to identify best practices for using out-of-state providers to provide care to children with medically complex conditions; determine how care is coordinated for such children when that care is provided by out-of-state providers, including when care is provided in emergency and nonemergency situations; reduce barriers that prevent such children from receiving care from out-of-state providers in a timely fashion; and identify processes for screening and enrolling out-of-state providers in Medicaid, including efforts to streamline such processes for out-of-state providers or to reduce the burden of such processes on them. We intend to use the information received in response to the RFI to issue guidance to state Medicaid directors on the coordination of care from out-of-state providers for children with medically complex conditions. The comment period for the RFI, which ended on March 23, 2020, is reopened for 30 days from the date of publication of this notice.

DATES: The comment period for the RFI published on January 21, 2020, at 85 FR 3330, is reopened. Comments will be accepted until 5 p.m., eastern daylight time, on June 3, 2020.

ADDRESSES: You may submit comments as outlined in the January 21, 2020 RFI (85 FR 3330). Please choose only one method listed.

FOR FURTHER INFORMATION CONTACT: Nicole Gillette-Payne, (212) 616–2465.

SUPPLEMENTARY INFORMATION: In the ''Coordinating Care From Out-of-State Providers for Medicaid-Eligible Children With Medically Complex Conditions'' request for information (referred to in this document as the RFI) that appeared in the January 21, 2020 **Federal Register** (85 FR 3330), CMS requested public comments regarding the coordination of care from out-of-state providers for Medicaid-eligible children with medically complex conditions. We wish to identify best practices for using out of-state providers to provide care to children with medically complex conditions; determine how care is coordinated for such children when that care is provided by out-of-state providers, including when care is provided in emergency and nonemergency situations; reduce barriers that prevent such children from receiving care from out-of-state providers in a timely fashion; and identify processes for screening and enrolling out-of-state providers in Medicaid, including efforts to streamline such processes for out-of-state providers or to reduce the burden of such processes on them.

Since the issuance of the RFI, the COVID–19 global pandemic has affected many businesses and individuals and impacted healthcare systems. Responding to the public health emergency has been a priority for many of the stakeholders whose input we value. In addition, some stakeholders have reached out to request additional time to consider their recommendations related to this RFI. To maximize the opportunity for the public to provide meaningful input to CMS on the various topics raised in the RFI, we believe that it is important to allow additional time for the public to prepare comments on the RFI. We believe that reopening the public comment period in this instance would further our overall objective to obtain public input. Therefore, we are reopening the comment period for the RFI for an additional 30 days from the date of publication of this notice.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Seema Verma, having reviewed and approved this document, authorizes Evell J. Barco Holland, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: April 28, 2020.

Evell J. Barco Holland,

Federal Register Liaison, Department of Health and Human Services.

[FR Doc. 2020–09392 Filed 5–1–20; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 18

[ET Docket No. 19–226; FCC 19–126; FRS 16618]

Human Exposure to Radiofrequency Electromagnetic Fields; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: The Federal Communications Commission (Commission) is correcting a date that appeared in the **Federal Register** on April 6, 2020. In this document, the Commission seeks comment on expanding the range of frequencies for which its radiofrequency (RF) exposure limits apply; on applying localized exposure limits above 6 GHz in parallel to the localized exposure limits already established below 6 GHz; on specifying the conditions and methods for averaging the RF exposure, in both time and area, during evaluation for compliance with the RF exposure limits in the rules; on addressing new RF exposure issues raised by wireless power transfer (WPT) devices; and on the definition of a WPT device.

DATES: Comments are due on or before June 3, 2020, and reply comments are due on or before July 6, 2020.

ADDRESSES: Interested parties may submit comments and replies, identified by ET Docket No. 19–226, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

• Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.U.S.

• Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

• Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy,* Public Notice, DA 20–304 (March 19, 2020). *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy*.

• During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

For detailed instructions on submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Martin Doczkat, email: *martin.doczkat@fcc.gov* of the Office of Engineering and Technology Electromagnetic Compatibility Division; the Commission's RF Safety Program, *rfsafety@fcc.gov*; or call the Office of Engineering and Technology at (202) 418–2470. For information regarding the Paperwork Reduction Act (PRA) information collection requirements contained in this document, contact Nicole Ongele, Office of Managing Director, at (202) 418–2991 or *Nicole.Ongele@fcc.gov.*

SUPPLEMENTARY INFORMATION: In FR Doc. 20–06966, appearing on page 19117 in the **Federal Register** on April 6, 2020, the following correction is made:

DATES: [Corrected]

On page 19117, in the first column, the **DATES** section is corrected to read ''reply comments are due on or before June 15, 2020.''

Dated: April 6, 2020.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2020–08738 Filed 5–1–20; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 85, No. 86

Monday, May 4, 2020

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 29, 2020.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology Comments regarding these information collections are best assured of having their full effect if received by June 3, 2020. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Discharge and Delivery Survey Summary and Rate Schedule Forms.

OMB Control Number: 0581–0317.

Summary of Collection: The Food for Peace Act (specifically Pub. L. 480 Title II); Section 416(b) of the Agricultural Act of 1949; Food for Progress Act of 1985; 2002 and 2008 Farm Bills authorizing the McGovern-Dole International Food for Education Program; and Commodity Credit Corporation (CCC) Charter Act, all as amended, authorize the International Procurement Division to procure, sell, and transport, as well as sample, inspect and survey, agricultural commodities at both domestic and foreign locations for use in international food aid program. The Kansas City Commodity Office (KCCO) acting under the authority granted by these acts, purchase discharge survey services conducted at the foreign destinations to ensure count and condition of the commodities shipped. Agricultural Marketing Service (AMS) will collect information using forms KC–334, Discharge/Delivery Survey Summary and KC–337, Rate Schedule.

Need and Use of the Information: The information collected on the KC–334 form is a summary of the amount of cargo delivered versus manifested quantity, the amount and type of damage, etc. The KC–337 form is used to obtain rates that the survey companies charge to perform surveys, by country/region. Without the information CCC could not meet program requirements.

Description of Respondents: Business or other for-profit; Not for-profit institutions.

Number of Respondents: 41.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Quarterly; Weekly; Semi-annually; Monthly; Annually.

Total Burden Hours: 234.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020–09418 Filed 5–1–20; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

April 29, 2020.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by June 3, 2020 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Plum Pox Compensation.

OMB Control Number: 0579–0159.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to prohibit or restrict the

importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States. Plum Pox is an extremely serious viral disease of plants that can affect many stone fruit species, including plum, peach, apricot, almond, and nectarine. The regulations in 7 CFR 301.74–5 permit owners of commercial stone fruit orchards to receive compensation for losses associated with trees destroyed to control plum pox pursuant to an emergency action notification (EAN) issued by the Animal & Plant Health Inspection Service (APHIS). Owners of fruit tree nurseries may receive compensation for net revenue losses associated with movement or sale of nursery stock prohibited under an EAN issued by APHIS with respect to regulated articles within the nursery in order to control plum pox.

Need and Use of the Information: Compensation applications include information about the business such as name and address, a description of the property, and a certification statement that the trees removed from the owner's property were stone fruit trees from commercial fruit orchards or fruit tree nurseries. For claims made by owners of stone fruit orchards, the completed application must be accompanied by a copy of the EAN ordering the destruction of their trees, the notification's accompanying inventory describing the acreage and ages of trees removed and documentation verifying that the destruction of the trees have been completed and the date of that completion. For claims made by owners of fruit tree nurseries, the completed application must be accompanied by a copy of the EAN prohibiting the same or movement of the nursery stock, the notification's accompanying inventory describing the total number of trees covered by the EAN, their age and variety, and documentation indicating the final disposition of the nursery stock. Applicants may also need to apply for a DUNS number and provide direct deposit information for payments. Without the information APHIS would be unable to compensate eligible grove and nursery owners for their losses.

Description of Respondents: State Plant Health Officials; Business or other for-profit; Farm.

Number of Respondents: 2.

Frequency of Responses: Reporting, Recordkeeping: On occasion.

Total Burden Hours: 5.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020–09423 Filed 5–1–20; 8:45 am]

BILLING CODE 3410–34–P

CIVIL RIGHTS COMMISSION

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission public business meeting.

DATES: Friday May 8, 2020, 10:00 a.m. ET.

FOR FURTHER INFORMATION CONTACT: Zakee Martin: (202) 376–7700; *publicaffairs@usccr.gov.*

ADDRESSES: Meeting to take place by telephone and open to the public by telephone: 1–800–758–9512, Conference ID 402–5614. Computer assisted real-time transcription (CART) will be provided. The web link to access CART (in English) on Friday, May 8, 2020, is *https://www.streamtext.net/player?event=USCCR.* Please note that CART is text-only translation that occurs in real time during the meeting and is not an exact transcript.

Meeting Agenda

I. Approval of Agenda

II. Business Meeting

A. Presentation by Anne Lofaso, Member, of West Virginia Advisory Committee on the Committee's *Advisory Memorandum on the Interaction Between Individuals with Mental Health Issues and the Criminal Justice System in West Virginia*

B. Presentation by Mildred Edwards, Chair, of Kansas Advisory Committee on the Committee's report, *Civil Rights and Education Funding in Kansas*

C. Discussion and vote on Commission Advisory Committees

- Chair of Rhode Island Advisory Committee
- Chair of South Dakota Advisory Committee
- Nevada Advisory Committee
- Tennessee Advisory Committee

D. Update from Staff Director on virtual briefings

E. Management and Operations

- Staff Director's Report

III. Adjourn Meeting.

Dated: April 28, 2020.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2020–09381 Filed 4–30–20; 11:15 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

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

DATES: Applicable May 4, 2020.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Ave. NW, Washington, DC 20230, telephone: (202) 482–3692.

SUPPLEMENTARY INFORMATION: On February 18, 2020, the Department of Commerce (Commerce), pursuant to section 702(h) of the Trade Agreements Act of 1979 (as amended) (the Act), published the quarterly update to the annual listing of foreign government subsidies on articles of cheese subject to an in-quota rate of duty covering the period July 1, 2019 through September 30, 2019.[1] In the *Third Quarter 2019 Update,* we requested that any party that has information on foreign government subsidy programs that benefit articles of cheese subject to an in-quote rate of duty submit such information to Commerce.[2] We received no comments, information or requests for consultation from any party.

Pursuant to section 702(h) of the Act, we hereby provide Commerce's update of subsidies on articles of cheese that were imported during the period October 1, 2019 through December 31, 2019. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available.

Commerce will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed. Commerce encourages any person having information on foreign government

[1] *See Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty,* 85 FR 8827 (February 18, 2020) (*Third Quarter 2019 Update*).

[2] *Id.*

subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Ave. NW, Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: April 27, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross [3] subsidy ($/lb)	Net [4] subsidy ($/lb)
28 European Union Member States [5]	European Union Restitution Payments	0.00	0.00
Canada	Export Assistance on Certain Types of Cheese	0.46	0.46
Norway	Indirect (Milk) Subsidy	0.00	0.00
	Consumer Subsidy	0.00	0.00
Total		0.00	0.00
Switzerland	Deficiency Payments	0.00	0.00

[FR Doc. 2020–09406 Filed 5–1–20; 8:45 am]

BILLING CODE 3510–DS–P

[3] Defined in 19 U.S.C. 1677(5).

[4] Defined in 19 U.S.C. 1677(6).

[5] The 28 member states of the European Union during the 4th quarter of 2019 were: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

DEPARTMENT OF COMMERCE

International Trade Administration

Meetings: U.S. Department of Commerce Trade Finance Advisory Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The U.S. Department of Commerce Trade Finance Advisory Council (TFAC or Council) will hold a meeting via teleconference on Friday, May 15, 2020. The meeting is open to the public with registration instructions provided below.

DATES: Friday, May 15, 2020, from approximately 12:45 p.m. to 2:45 p.m. Eastern Time (ET). The deadline for members of the public to register, including requests to make comments during the meeting or to submit written comments for dissemination prior to the meeting, is 5:00 p.m. ET on Thursday, May 7, 2020. Registration, comments, and any requests should be submitted via email to *TFAC@trade.gov.*

ADDRESSES: The meeting will be held by conference call. The call-in number and passcode will be provided by email to registrants. Requests to register and any written comments should be submitted via email to *TFAC@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Yuki Fujiyama, TFAC Designated Federal Officer (DFO) and Executive Secretary, Office of Finance and Insurance Industries, International Trade Administration, U.S. Department of Commerce at (202) 482–3468; email: *Yuki.Fujiyama@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The TFAC was established on August 11, 2016, pursuant to discretionary authority and in accordance with the Federal Advisory Committee Act, as amended, 5 U.S.C. App., and re-chartered for a second two-year term on August 9, 2018. The TFAC serves as the principal advisory body to the Secretary of Commerce on policy matters relating to access to trade finance for U.S. exporters, including small- and medium-sized enterprises, and their foreign buyers. The TFAC is the mechanism by which the Department of Commerce (the Department) convenes private sector stakeholders to identify and develop consensus-based solutions to trade finance challenges. The Council is comprised of a diverse group of stakeholders from the trade finance industry and the U.S. exporting community, as well as experts from academia and public policy organizations.

On Friday, May 15, 2020, the TFAC will hold the fifth meeting of its second (2018–2020) charter term via a conference call. During this meeting, members are expected to discuss possible recommendations on policies and programs that can increase awareness of, and expand access to, export financing resources for U.S. exporters. Meeting minutes will be available within 90 days of the meeting upon request or on the TFAC's website at *https://legacy.trade.gov/tfac.*

Public Participation: The meeting will be open to the public and there will be limited time permitted for public comments. In order to be considered at the meeting, comments from members of the public must be submitted by the deadline identified under the DATE caption. Requests from members of the public to participate in the meeting must be received by the same date. Request should be submitted electronically to *TFAC@trade.gov.* Last minute requests will be accepted, but may not be possible to accommodate.

Members of the public may submit written comments concerning TFAC affairs at any time before or after a meeting. Comments may be submitted to TFAC DFO Yuki Fujiyama, at the contact information indicated above. All comments and statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure.

Michael Fuchs,

Acting Director, Office of Finance and Insurance Industries, Industry & Analysis, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 2020–09389 Filed 5–1–20; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA154]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Budget Committee will hold a meeting to consider budget issues as outlined in the Budget Committee agenda for the June 2020 Council Meeting.

DATES: The online meeting will be held Tuesday, May 19, 2020, at 1 p.m.

ADDRESSES: To attend the meeting, visit this link: *https://global.gotomeeting.com/join/908470797* and follow the instructions on the screen. You must use your telephone for the audio portion of the meeting by dialing this TOLL number: +1 (224) 501–3412. Enter the Access Code: 908–470–797. Enter your audio phone pin (shown on the screen). Alternatively, you can navigate to *www.gotomeeting.com,* click ''Join a Meeting'' in the top right hand corner, then enter Access Code: 908–470–797. Next, follow the instructions on the screen, and dial into the call with your telephone.

Technical Information and System Requirements:

- *PC-based attendees:* Required: Windows® 8, 10, Vista, or XP.
- *Mac®-based attendees:* Required: Mac OS® X 10.5 or newer.
- *Mobile attendees:* Required: iPhone®, iPad®, Android™ phone or Android tablet (see *https://www.gotomeeting.com/meeting/ipad-iphone-android-apps*).

You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2412, for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Patricia Crouse, Administrative Officer, Pacific Council; telephone: (503) 820–2408.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to consider and develop recommendations to the Pacific Council for the June 2020 Fiscal Matters agenda item.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2412) at least 10 days prior to the meeting date.

(Authority: 16 U.S.C. 1801 *et seq.*)

Dated: April 28, 2020.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–09384 Filed 5–1–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA152]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Joint Advisory Panel and Plan Development Team to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, May 19, 2020 at 9 a.m.

ADDRESSES: All meeting participants and interested parties can register to join the webinar at *https://attendee.gotowebinar.com/register/5061195365535774989.*

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Advisory Panel (AP) and Plan Development Team (PDT) will receive a status update and summary of preliminary findings from the recipients of recent Scallop Research Set-Aside (RSA) awards. This meeting is not a formal review of the methods or results of these projects. Instead, it is an overview to better inform the PDT and AP of current research status and help identify future research priority recommendations. There will also be an opportunity for public comment on potential 2021/22 RSA Priorities. Other business may be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

(Authority: 16 U.S.C. 1801 *et seq.*)

Dated: April 28, 2020.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–09382 Filed 5–1–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Review of Nomination for Chumash Heritage National Marine Sanctuary

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice; Request for Written Comments.

SUMMARY: The Office of National Marine Sanctuaries (ONMS) of the National Oceanic and Atmospheric Administration (NOAA) is requesting written comments to facilitate ONMS review of the nomination for Chumash Heritage National Marine Sanctuary (CHNMS). NOAA is requesting relevant information as it pertains to the 11 national significance criteria and management considerations that NOAA applied to evaluate the CHNMS nomination for inclusion in the national inventory of areas that NOAA may consider for future designation as a national marine sanctuary. Particular attention will be given to new scientific information about the national significance of natural and cultural resources, as well as increases or decreases in the threats to resources originally proposed for protection, and changes to the management framework of the area. NOAA will also assess the level of community-based support for the nomination from a broad range of interests. NOAA has provided the original nominating party, the Northern Chumash Tribal Council, an opportunity to share its views on these same questions. Subsequent to the information gathering and internal analysis, the ONMS Director will make a final determination on whether or not the CHNMS nomination will remain in the inventory prior to the five-year anniversary of accepting the nomination, October 5, 2020.

DATES: NOAA will conduct a virtual meeting to explain the review process to the public and accept information orally from speakers during the virtual meeting. The meeting will be conducted on Wednesday May 27, 2020 at 6:00 p.m. PT. For more information regarding how to participate in the public meeting and the CHNMS nomination go to *https://nominate.noaa.gov.* Written comments must be received by June 15, 2020.

ADDRESSES: Comments may be submitted by the following method:

Federal eRulemaking Portal: https://www.regulations.gov. Submit electronic comments via the Federal eRulemaking Portal with Docket Number NOAA–NOS–2020–0063.

Instructions: All comments received are a part of the public record. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NOAA will accept anonymous comments (enter N/A in the required fields to remain anonymous).

FOR FURTHER INFORMATION CONTACT: William Douros Regional Director, ONMS West Coast Region, 99 Pacific Street, Bldg. 100F, Monterey, CA 93940, or at *william.douros@noaa.gov,* or 831–647–6452.

SUPPLEMENTARY INFORMATION:

Background Information

In 2014, NOAA issued a final rule establishing the sanctuary nomination process (SNP), a process by which communities may submit nominations of areas of the marine and Great Lakes environment for NOAA to consider for designation as a national marine sanctuary (79 FR 33851). The final rule establishing the SNP included a five-year limit on any nomination added to the inventory that NOAA does not advance for designation. In November 2019, NOAA issued a notice (84 FR 61546) to clarify procedures for evaluating and updating a nomination as it approaches the five-year mark. The clarified procedure ensures the inventory contains nominations that remain relevant and responsive to the 11 SNP national significance criteria and management considerations (''SNP Criteria''). The 11 SNP Criteria can be found at *https://nominate.noaa.gov.*

The nomination for CHNMS was accepted to the national inventory on October 5, 2015, and is therefore scheduled to expire in October 2020. NOAA is not proposing to designate CHNMS or any other any new national marine sanctuary with this action. Accordingly, written comments submitted as part of this request should not focus on whether NOAA should initiate the designation process for CHNMS. Rather comments should address the relevance of the nomination towards the SNP Criteria and any new information NOAA should consider about the nominated area. Comments that do not address the SNP Criteria and new information NOAA should evaluate will not be considered in determining whether to extend the CHNMS nomination for another five years.

The process to update a nomination about to expire at the five-year mark includes the following steps:

1. ONMS notifies the nominating party at about the four and a half-year mark to give the nominating party an opportunity to provide updates of the nominated area's relevance to the SNP Criteria.

2. ONMS staff works with partners and the public to gather information on the nomination's relevance to the SNP Criteria. Given our inability to host public gatherings at this time, NOAA has chosen to host a virtual public meeting and request written comments to gather new information on the CHNMS nomination.

3. ONMS staff reviews information received from the original nominating party, partners, the public and other relevant sources against the SNP Criteria to assess if the nomination is still accurate and relevant.

4. ONMS staff produce a brief synopsis report to the ONMS Director, presenting an analysis of information that has been collected, and a recommendation regarding maintaining the nomination in the inventory, or removing it once the five-year anniversary is reached.

Whether removing or maintaining the nomination for CHNMS, NOAA would follow the same procedure for notifying the public as was followed when the nomination was submitted, including a letter to the nominator, a notice in the **Federal Register**, and posting information on ''*nominate.noaa.gov*''.

Authority: 16 U.S.C. 1431 *et seq.*

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2020–09109 Filed 5–1–20; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XU009]

Marine Fisheries Advisory Committee; Charter Renewal

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

ACTION: Notice of renewed charter.

SUMMARY: Notice is hereby given of the 2-year renewed charter for the Marine Fisheries Advisory Committee (MAFAC), signed on April 12, 2020.

FOR FURTHER INFORMATION CONTACT: Heidi Lovett, Assistant Federal Program Officer, MAFAC, 301–427–8034; email *heidi.lovett@noaa.gov*.

SUPPLEMENTARY INFORMATION: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), and after consultation with the General Services Administration, the Secretary of Commerce has determined that the renewal of the charter for MAFAC is in

the public interest. MAFAC was established by the Secretary of Commerce (Secretary) on February 17, 1972, to advise the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. This Committee advises and reviews the adequacy of living marine resources policies and programs to meet the needs of commercial and recreational fisheries, aquaculture, environmental, consumer, academic, tribal, governmental, and other national interests. The Committee's charter must be renewed every 2 years from the date of the last renewal.

The Committee will function solely as an advisory body and in compliance with provisions of the Federal Advisory Committee Act. Copies of the Committee's revised Charter have been filed with the appropriate committees of the Congress and with the Library of Congress. The charter can be accessed online at *https://www.fisheries.noaa.gov/national/partners/marine-fisheries-advisory-committee-charter.*

Dated: April 24, 2020.

Jennifer L. Lukens,

Federal Program Officer, Marine Fisheries Advisory Committee, National Marine Fisheries Service.

[FR Doc. 2020–09380 Filed 5–1–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA153]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public online meeting.

SUMMARY: As part of its Climate and Communities Initiative (CCI) the Pacific Fishery Management Council (Council) is sponsoring a series of webinars with its advisory bodies, which are open to the public.

DATES: The webinars will be held on the following dates and times:

- *Highly Migratory Species Advisory Subpanel and Management Team:* Wednesday, May 20, 2020, 1:30–4:30 p.m.
- *Scientific and Statistical Committee:* Tuesday, May 26, 2020, 1:30–4:30 p.m.
- *Groundfish Advisory Subpanel and Management Team:* Thursday, May 28, 2020, 1:30–4:30 p.m.
- *Coastal Pelagic Species Advisory Subpanel and Management Team:* Monday, June 1, 2020, 1:30–4:30 p.m.
- *Salmon Advisory Subpanel and Technical Team:* Tuesday, June 2, 2020, 1:30–4:30 p.m.
- *Habitat Committee:* Friday, June 5, 2020, 9 a.m.–12 p.m.

ADDRESSES: This meeting will be held online. Specific meeting information, including directions on how to join the meeting and system requirements will be provided in the meeting announcement on the Council's website (see *www.pcouncil.org*). You may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2280, extension 412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Kit Dahl, Staff Officer, Pacific Council; telephone: (503) 820–2422.

SUPPLEMENTARY INFORMATION: The Council's Climate and Communities Core Team (CCCT) is coordinating a scenario planning process to explore potential fisheries management challenges under climate variability and change. During a two-day scenario development workshop in January 2020, more than 70 participants, including representatives from each of the Council's advisory bodies, developed four scenarios to be used in a stakeholder driven strategic planning process. This is designed to meet the CCI goal to consider strategies for improving the flexibility and responsiveness of our management actions to near-term climate shift and long-term climate change, and strategies for increasing the resiliency of our managed stocks and fisheries to those changes. The CCCT is now enhancing the clarity of descriptions for each of the four scenarios (also referred to as 'deepening' the scenarios). The purpose of this webinar series is to solicit input from the Council's advisory bodies on how possible future conditions described in each of these scenarios might affect the species and fisheries managed under the Council's fishery management plans.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2412) at least 10 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 29, 2020.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–09471 Filed 5–1–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Education Research and Special Education Research Grant Programs

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2021 for the Education Research and Special Education Research Grant Programs, Catalog of Federal Domestic Assistance (CFDA) numbers 84.305A, 84.305B, 84.305C, 84.305R, 84.324A, 84.324B, 84.324P, and 84.324R. This notice relates to the approved information collection under OMB control number 4040–0001.

DATES: The dates when applications are available and the deadlines for transmittal of applications invited under this notice are indicated in the chart at the end of this notice and in the Requests for Applications (RFAs) that are posted at the following website: *https://ies.ed.gov/funding.*

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: The contact person associated with a particular research competition is listed in the chart at the end of this notice, as well as in the relevant RFA and application package.

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: In awarding these grants, the Institute of Education Sciences (IES) intends to provide national leadership in expanding knowledge and understanding of (1) developmental and school readiness outcomes for infants and toddlers with or at risk for a disability, (2) education outcomes for all learners from early childhood education through postsecondary and adult education, and (3) employment and wage outcomes when relevant (such as for those engaged in career and technical, postsecondary, or adult education). The IES research grant programs are designed to provide interested individuals and the general public with reliable and valid information about education practices that support learning and improve academic achievement and access to education opportunities for all learners. These interested individuals include parents, educators, learners, researchers, and policymakers. In carrying out its grant programs, IES provides support for programs of research in areas of demonstrated national need.

Competitions in This Notice: IES is announcing eight research competitions through two of its centers:

The IES National Center for Education Research (NCER) is annoucing four competitions—one competition in each of the following areas: Education research; education research training; education research and development centers; and systematic replication in education.

The IES National Center for Special Education Research (NCSER) is announcing four competitions—one competition in each of the following areas: Special education research; special education research training; National Assessment of Educational Progress (NAEP) process data; and systematic replication in special education.

NCER Competitions

The Education Research Competition. Under this competition, NCER will consider only applications that address one of the following topics:

- Career and Technical Education.
- Civics Education and Social Studies.
- Cognition and Student Learning.
- Early Learning Programs and Policies.
- Effective Instruction.
- English Learners.
- Improving Education Systems.
- Postsecondary and Adult Education.
- Literacy.
- Science, Technology, Engineering, and Mathematics (STEM) Education.
- Social and Behavioral Context for Academic Learning.

The Research Training Programs in the Education Sciences Competition. Under this competition, NCER will consider only applications that address one of the following topics:

- Pathways to the Education Sciences Research Training Program.
- Postdoctoral Research Training Program in the Education Sciences.
- Methods Training for Education Researchers.

The Education Research and Development Centers Competition. Under this competition, NCER will consider only applications that address the following topic:

- Improving Teaching and Learning in Postsecondary Institutions.

Research Grants Focused on Systematic Replication. Under this competition, NCER will consider only applications that address identifying what works in education through systematic replication.

NCSER Competitions

The Special Education Research Competition. Under this competition, NCSER encourages a broad range of research including studies that may have more than one research focus (such as reading and behavior) and may focus broadly on students with disabilities or on a particular disability (such as autism spectrum disorders). Applicants should identify their primary focus of research from one of the following topics:

- Cognition and Student Learning.
- Early Intervention and Early Learning.
- Educators and School-Based Service Providers.
- Families of Children with Disabilities.
- Reading, Writing, and Language.
- Science, Technology, Engineering, and Mathematics (STEM).
- Social, Emotional, and Behavioral Competence.
- Systems, Policy, and Finance.
- Transition to Postsecondary Education, Career, and/or Independent Living.

The Research Training Programs in Special Education Competition. Under this competition, NCSER will consider only applications that address one of the following two topics:

- Early Career Development and Mentoring.
- Methods Training for Special Education Research.

Research Grants Focused on NAEP Process Data for Learners with Disabilities. Under this competition, NCSER will consider only applications using the restricted-use data, including the NAEP process data, from the 2017 eighth-grade NAEP mathematics assessment to examine outcomes for students with disabilities.

Research Grants Focused on Systematic Replication. Under this competition, NCSER will consider only applications that address identifying what works in special education through systematic replication.

Exemption from Proposed Rulemaking: Under section 191 of the Education Sciences Reform Act, 20 U.S.C. 9581, IES is not subject to section 437(d) of the General Education Provisions Act, 20 U.S.C. 1232(d), and is therefore not required to offer interested parties the opportunity to comment on priorities, selection criteria, definitions, and requirements.

Program Authority: 20 U.S.C. 9501 *et seq.*

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 77, 81, 82, 84, 86, 97, 98, and 99. In addition, the regulations in 34 CFR part 75 are applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a), 75.200, 75.201, 75.209, 75.210, 75.211, 75.217(a)–(c), 75.219, 75.220, 75.221, 75.222, 75.230, and 75.708. (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.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Note: The open licensing requirement in 2 CFR 3474.20 does not apply for this competition.

II. Award Information

Types of Awards: Discretionary grants and cooperative agreements.

Fiscal Information: Although Congress has not yet enacted an appropriation for FY 2021, IES is inviting applications for these competitions now so that applicants can have adequate time to prepare their applications. The actual level of funding, if any, depends on final congressional action. In addition, the level of available funding may depend on IES provision of additional support for ongoing grants that have been affected by COVID–19. IES may announce additional competitions later in 2020.

Estimated Range of Awards: See chart at the end of this notice. The size of the awards will depend on the scope of the projects proposed.

Estimated Number of Awards: The number of awards made under each competition will depend on the quality of the applications received for that competition, the availability of funds, and the following limits on awards for specific competitions and topics set by IES.

IES may waive any of the following limits on awards for a specific competition or topic in the special case that the peer review process results in a tie between two or more grant applications, making it impossible to adhere to the limits without funding only some of the equally ranked applications. In that case, IES may make a larger number of awards to include all applications of the same rank.

For NCER's Research Training Programs in the Education Sciences competition, we intend to fund up to five grants under the Pathways to the Education Sciences Research Training Program topic. However, should funding be available, we may consider making additional awards to high-quality applications that remain unfunded after five awards are made.

For NCER's Education Research and Development Center competition, we intend to fund up to one grant. However, should funding be available, we may consider making additional awards to high-quality applications that remain unfunded after one award is made.

For NCSER's Research Training Programs in Special Education, under the Methods Training for Special Education Research topic we will not fund training in single-case design and we intend to fund only one grant for training programs focused on any particular method. However, should funding be available, we may consider making awards to more than one high-quality application focused on a particular method.

For all competitions, contingent on the availability of funds and the quality of applications, we may make additional awards in FY 2022 from the list of highly-rated unfunded applications from the FY 2021 competitions.

Note: The Department is not bound by any estimates in this notice.

Project Period: See chart at the end of this notice.

III. Eligibility Information

1. *Eligible Applicants:* Applicants that have the ability and capacity to conduct scientifically valid research are eligible to apply. Eligible applicants include, but are not limited to, nonprofit and for-profit organizations and public and private agencies and institutions of higher education, such as colleges and universities.

2. *Cost Sharing or Matching:* These programs do not require cost sharing or matching.

3. *Subgrantees:* 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: Nonprofit and for-profit organizations and public and private agencies and institutions of higher education. The grantee may award subgrants to entities it has identified in an approved application.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768) and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf,* which contain requirements and information on how to submit an application.

2. *Other Information:* Information regarding program and application requirements for the competitions will be contained in the currently available IES Application Submission Guide and in the NCER and NCSER RFAs, which will be available on or before May 30, 2020 on the IES website at: *https://ies.ed.gov/funding/.* The dates on which the application packages for these competitions will be available are indicated in the chart at the end of this notice.

3. *Content and Form of Application Submission:* Requirements concerning the content of an application are contained in the RFA for the specific competition. The forms that must be submitted are in the application package for the specific competition.

4. *Submission Dates and Times:* The deadline date for transmittal of applications for each competition is indicated in the chart at the end of this notice and in the RFAs for the competitions.

We do not consider an application that does not comply with the deadline requirements.

5. *Intergovernmental Review:* These competitions are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

6. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

V. Application Review Information

1. *Selection Criteria:* For all of its grant competitions, IES uses selection criteria based on a peer review process that has been approved by the National Board for Education Sciences. The Peer Review Procedures for Grant Applications can be found on the IES website at *https://ies.ed.gov/director/sro/peer_review/application_review.asp.*

For the 84.305A, 84.324A, 84.324P, 84.305R, and 84.324R competitions, peer reviewers will be asked to evaluate the significance of the application, the quality of the research plan, the qualifications and experience of the personnel, the resources of the applicant to support the proposed activities, and the quality of the dissemination history and dissemination plan. These criteria are described in greater detail in the RFAs.

For the 84.305B competition, peer reviewers for the pathways and postdoctoral training programs will be asked to evaluate the significance of the application, the quality of the research training plan, the qualifications and experience of the personnel, and the resources of the applicant to support the proposed activities. For the 84.305B and 84.324B competitions, peer reviewers for the methods training programs will be asked to evaluate the significance of the application, the quality of the research training plan, the qualifications and experience of the personnel, the resources of the applicant to support the proposed activities, and the quality of the dissemination plan. For the 84.324B competition, peer reviewers for the early career development and mentoring program will be asked to evaluate the significance of the application, the quality of the research plan, the quality of the career development plan, the qualifications and experience of the personnel, the resources of the applicant to support the proposed activities, and

the quality of the dissemination plan. These criteria are described in greater detail in the RFA.

For the 84.305C competition, peer reviewers will be asked to evaluate the significance of the application, the quality of the research plan for the focused program of research, the quality of the plans for other center activities, the quality of the management and institutional resources, and the qualifications and experience of the personnel. These criteria are described in greater detail in the RFA.

For all IES competitions, applications must include budgets no higher than the relevant maximum award as set out in the relevant RFA. IES will not make an award exceeding the maximum award amount as set out in the relevant RFA.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, IES 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, compliance with the IES policy regarding public access to research, and compliance with grant conditions. IES 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, IES also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under these competitions, the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, IES may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Grant Administration:* Applicants should budget for an annual meeting of up to three days for project directors to be held in Washington, DC.

4. *Reporting:* (a) If you apply for a grant under one of the competitions announced in this notice, 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 IES. 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 IES under 34 CFR 75.118. IES may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* To evaluate the overall success of its education research and special education research grant programs, IES annually assesses the percentage of projects that result in peer-reviewed publications and the number of IES-supported interventions with evidence of efficacy in improving learner education outcomes. In addition, NCSER annually assesses the number of newly developed or modified interventions with evidence of promise for improving learner education outcomes. School readiness outcomes include pre-reading, reading, pre-writing, early mathematics, early science, and social-emotional skills that prepare young children for school. Student academic outcomes include learning and achievement in academic content areas, such as reading, writing, math, and science, as well as outcomes that reflect students' successful progression through the education system, such as course and grade completion; high school graduation; and postsecondary enrollment, progress, and completion. Social and behavioral competencies include social and emotional skills, attitudes, and behaviors that are important to academic and post-academic success. Additional education outcomes for students with or at risk of a disability (as defined in the relevant RFA) include developmental outcomes for infants and toddlers (birth to age three) pertaining to cognitive, communicative, linguistic, social, emotional, adaptive, functional, or physical development; and developmental and functional outcomes that improve education outcomes, transition to employment, independent living, and postsecondary education for students with disabilities.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, IES 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;

whether a grantee is in compliance with the IES policy regarding public access to research; and if IES has established performance measurement requirements, whether the grantee has met the performance targets in the grantee's approved application.

In making a continuation award, IES 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 RFA in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the appropriate program contact person listed in the chart at the end of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Mark Schneider,

Director, Institute of Education Sciences.

CFDA No. and name	Application package available	Deadline for transmittal of applications	Estimated range of awards *	Project period	For further information contact
National Center for Education Research (NCER)					
84.305A Education Research ▪ Career and Technical Education. ▪ Civics Education and Social Studies. ▪ Cognition and Student Learning. ▪ Early Learning Programs and Policies. ▪ Effective Instruction. ▪ English Learners. ▪ Improving Education Systems. ▪ Postsecondary and Adult Education. ▪ Literacy. ▪ Science, Technology, Engineering, and Mathematics Education. ▪ Social and Behavioral Context for Academic Learning.	6/11/20	8/20/20	$100,000 to $760,000	Up to 5 years	Erin Higgins, *Erin.Higgins@ed.gov.*
84.305B Research Training Programs in the Education Sciences. ▪ Pathways to the Education Sciences Research Training Program. ▪ Postdoctoral Research Training Program in the Education Sciences. ▪ Methods Training for Education Researchers.	6/11/20	8/20/20	$100,000 to $312,000	Up to 5 years	Katina Stapleton, *Katina.Stapleton@ed.gov.*
84.305C Education Research and Development Centers. ▪ Improving Teaching and Learning in Postsecondary Institutions.	6/11/20	8/20/20	$1,000,000 to $2,000,000	Up to 5 years	Meredith Larson, *Meredith.Larson@ed.gov.*
84.305R Research Grants Focused on Systematic Replication.	6/11/20	8/20/20	$400,000 to $900,000	Up to 5 years	Christina Chhin, *Christina.Chhin@ed.gov.*
National Center for Special Education Research (NCSER)					
84.324A Special Education Research ▪ Cognition and Student Learning. ▪ Early Intervention and Early Learning. ▪ Educators and School-Based Service Providers. ▪ Families of Children with Disabilities. ▪ Reading, Writing, and Language. ▪ Science, Technology, Engineering, and Mathematics (STEM). ▪ Social, Emotional and Behavioral Competence. ▪ Systems, Policy, and Finance. ▪ Transition to Postsecondary Education, Career, and/or Independent Living.	6/11/20	8/20/20	$100,000 to $760,000	Up to 5 years	Jacquelyn Buckley, *Jacquelyn.Buckley@ed.gov.*
84.324B Research Training Programs in Special Education. ▪ Early Career Development and Mentoring. ▪ Methods Training for Special Education Research.	6/11/20	8/20/20	$100,000 to $266,000	Up to 4 years	Katherine Taylor, *Katherine.Taylor@ed.gov.*
84.324P Research Grants Focused on NAEP Process Data for Learners with Disabilities.	6/11/20	8/20/20	$100,000 to $280,000	Up to 2.5 years	Sarah Brasiel, *Sarah.Brasiel@ed.gov.*
84.324R Research Grants Focused on Systematic Replication.	6/11/20	8/20/20	$400,000 to $900,000	Up to 5 years	Katherine Taylor, *Katherine.Taylor@ed.gov.*

* These estimates are annual amounts.

Note: The Department is not bound by any estimates in this notice.

Note: If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

[FR Doc. 2020–09446 Filed 5–1–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–409–A]

Proposed Agency Information Collection Regarding the Energy Priorities and Allocations System

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on a proposed extension of a collection of information that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995.

DATES: Comments regarding this proposed information collection extension must be received on or before July 6, 2020. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Comments may be sent to Christopher A. Lawrence, Transmission Permitting and Technical Assistance, Office of Electricity, U.S. Department of Energy, Washington, DC, *Christopher.lawrence@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Christopher A. Lawrence, U.S. Department of Energy, at *Christopher.Lawrence@hq.doe.gov* or 202–586–5260.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.:* 1910–5159; (2) *Information Collection Request Title:* Energy Priorities and Allocations System; (3) *Type of Request:* Extension; (4) *Purpose:* To meet requirements of the Defense Production Act (DPA) priorities and allocations authority necessary or appropriate to promote the national defense. Data supplied will be used to evaluate applicants requesting special priorities assistance to fill a rated order issued in accordance with the DPA and DOE's implementing regulations. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, 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 data will also be used to conduct audits and for enforcement purposes. This collection will only be used if the Secretary of Energy determines that his authority under the DPA is necessary to prevent or address an energy shortage or energy reliability concern. The last collection by DOE under this authority was in 2001; (5) *Annual Estimated Number of Respondents:* 10, as this collection is addressed to a substantial majority of the energy industry; (6) *Annual Estimated Number of Burden Hours:* 32 minutes per response; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $0.

Statutory Authority: Defense Production Act of 1950 as amended (50 U.S.C. 4501, *et seq.*); Executive Order 13603.

Signing Authority

This document of the Department of Energy was signed on April 29, 2020, by Bruce J. Walker, Assistant Secretary, Office of Electricity, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 29, 2020.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2020–09445 Filed 5–1–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–193–000]

Gulf South Pipeline Company, LLC; Notice of Request Under Blanket Authorization

Take notice that on April 21, 2020, Gulf South Pipeline Company, LLC (Gulf South), 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, filed in the above referenced docket a prior notice request pursuant to sections 157.205 and 157.211(a)(2) of the Commission's regulations under the Natural Gas Act (NGA) and its blanket certificate issued in Docket No. CP82–430–000 for authorization to establish a new delivery point to serve Valentine Chemicals, LLC located on Gulf South's Index 273–3 in Lafourche Parish, Louisiana. The installation of this delivery point will constitute a bypass of South Coast Gas Co., Inc., a local distribution company currently serving Valentine Chemical. Gulf South estimates the cost of the project to be approximately $50,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

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.

Any questions regarding this application should be directed to Juan Eligio, Jr., Supervisor of Regulatory Affairs, Gulf South Pipeline Company, LLC, 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, by telephone at (713) 479–3480, or by email at *juan.eligio@bwpipelines.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR

385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list and will be notified of any meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 3 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: April 28, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–09433 Filed 5–1–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP20–681–001.
Applicants: Cheyenne Connector, LLC.
Description: Compliance filing CC Cheyenne Connector (CP18–102–001) Amendment Compliance to be effective 5/25/2020.
Filed Date: 4/24/20.
Accession Number: 20200424–5129.
Comments Due: 5 p.m. ET 5/6/20.

Docket Numbers: RP20–682–001.
Applicants: Rockies Express Pipeline LLC.
Description: Compliance filing REX Cheyenne Hub Enhancement (CP18–103–001) Amendment Compliance to be effective 5/25/2020.
Filed Date: 4/24/20.
Accession Number: 20200424–5133.
Comments Due: 5 p.m. ET 5/6/20.

Docket Numbers: RP20–801–000.
Applicants: Natural Gas Pipeline Company of America.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement Filing-Macquarie Energy LLC to be effective 5/1/2020.
Filed Date: 4/24/20.
Accession Number: 20200424–5003.
Comments Due: 5 p.m. ET 5/6/20.

Docket Numbers: RP20–802–000.
Applicants: Alliance Pipeline L.P.
Description: Operational Purchases and Sales Report of Alliance Pipeline L.P. under RP20–802.
Filed Date: 4/24/20.
Accession Number: 20200424–5149.
Comments Due: 5 p.m. ET 5/6/20.

Docket Numbers: RP20–803–000.
Applicants: Fayetteville Express Pipeline LLC.
Description: § 4(d) Rate Filing: Fuel Filing on 4–24–20 to be effective 6/1/2020.
Filed Date: 4/24/20.
Accession Number: 20200424–5156.
Comments Due: 5 p.m. ET 5/6/20.

Docket Numbers: RP20–804–000.
Applicants: ETC Tiger Pipeline, LLC.
Description: § 4(d) Rate Filing: Fuel Filing on 4–24–20 to be effective 6/1/2020.
Filed Date: 4/24/20.
Accession Number: 20200424–5161.
Comments Due: 5 p.m. ET 5/6/20.

Docket Numbers: RP20–805–000.
Applicants: ANR Storage Company.
Description: Compliance filing 2020 Operational and Purchases Sales Report.
Filed Date: 4/27/20.
Accession Number: 20200427–5036.
Comments Due: 5 p.m. ET 5/11/20.

Docket Numbers: RP20–806–000.
Applicants: Great Lakes Gas Transmission Limited Partnership.
Description: Compliance filing 2020 Operational Purchases and Sales Report.
Filed Date: 4/27/20.
Accession Number: 20200427–5037.
Comments Due: 5 p.m. ET 5/11/20.

Docket Numbers: RP20–807–000.
Applicants: Blue Lake Gas Storage Company.
Description: Compliance filing 2020 Operational Purchases and Sales Report.
Filed Date: 4/27/20.
Accession Number: 20200427–5047.
Comments Due: 5 p.m. ET 5/11/20.

Docket Numbers: RP20–808–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rates—NJR Energy 910531 & 911426 eff 5–1–2020 to be effective 5/1/2020.
Filed Date: 4/27/20.
Accession Number: 20200427–5112.
Comments Due: 5 p.m. ET 5/11/20.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 28, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–09442 Filed 5–1–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–1317–001.
Applicants: Arizona Public Service Company.
Description: Compliance filing: Amended Compliance Filing in Compliance with Order No. 864 to be effective 1/27/2020.
Filed Date: 4/28/20.
Accession Number: 20200428–5151.
Comments Due: 5 p.m. ET 5/19/20.

Docket Numbers: ER20–1670–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to WMPA, Service Agreement No. 4880; Queue Nos. AD2–021/AC2–137 to be effective 2/22/2019.
Filed Date: 4/28/20.
Accession Number: 20200428–5130.
Comments Due: 5 p.m. ET 5/19/20.

Docket Numbers: ER20–1671–000.
Applicants: RE Mustang Two Barbaro LLC.
Description: § 205(d) Rate Filing: RE Mustang Two Barbaro LLC Concurrence with LGIA Co-Tenancy Agmt to be effective 4/28/2020.
Filed Date: 4/28/20.
Accession Number: 20200428–5142.
Comments Due: 5 p.m. ET 5/19/20.

Docket Numbers: ER20–1672–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Cancellation: Notice of Cancellation of Rate Schedule FERC No. 94 to be effective 1/29/2020.
Filed Date: 4/28/20.
Accession Number: 20200428–5167.
Comments Due: 5 p.m. ET 5/19/20.

Docket Numbers: ER20–1673–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2020–04–28_Compensation for Restoration Energy Filing to be effective 6/28/2020.
Filed Date: 4/28/20.
Accession Number: 20200428–5171.
Comments Due: 5 p.m. ET 5/19/20.

Docket Numbers: ER20–1674–000.
Applicants: Tri-State Generation and Transmission Association, Inc.
Description: Tariff Cancellation: Notice of Cancellation of Rate Schedule FERC No. 131 to be effective 1/29/2020.
Filed Date: 4/28/20.
Accession Number: 20200428–5172.
Comments Due: 5 p.m. ET 5/19/20.

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 28, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–09440 Filed 5–1–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. 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 the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202)502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
NONE.		
Exempt:		
EL16–49–000	4–17–2020	U.S. Senator Tammy Duckworth.

Dated: April 28, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–09441 Filed 5–1–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP20–68–000; CP20–70–000]

Enable Gas Transmission, LLC, Enable Gulf Run Transmission, LLC; Notice of Schedule for Environmental Review of the Gulf Run and Line CP Modifications Project

On February 28, 2020, Enable Gas Transmission, LLC (EGT) and Enable Gulf Run Transmission, LLC (Gulf Run) (collectively, Enable) filed applications in Docket Nos. CP20–68–000 and CP20–70–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities in Texas and Louisiana. The proposed project combination is known as the Gulf Run and Line CP Modifications Project (Project) and would include modifications to existing facilities to allow bi-directional flow, a new natural gas pipeline, and ancillary facilities which would allow transport of about 1,650,000 dekatherms of natural gas per day.

On March 13, 2020, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA, July 31, 2020.

90-day Federal Authorization Decision Deadline, October 29, 2020.

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

The Project includes two components: (1) Approximately 134 miles of new 42-inch-diameter pipeline, seven associated mainline valves, one new meter/regulating station, and other ancillary facilities in Louisiana; and (2) modifications to two existing Line CP compressor stations and three existing meter/regulating stations, and two new meter/regulating stations in Texas and Louisiana.

Background

On April 12, 2019, the Commission staff granted Enable's request to use the FERC's Pre-filing environmental review process and assigned the Gulf Run and Line CP Modifications Project Docket No. PF19–3–000. On June 12, 2019, the Commission issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Gulf Run and Line CP Modifications Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Sessions* (NOI).

The NOI was issued during the pre-filing review of the Project and was sent to federal, state, and local government agencies; elected officials; affected landowners; environmental and public interest groups; Native American tribes and regional organizations; commentors and other interested parties; and local libraries and newspapers. Major issues raised during scoping include pipeline safety, Project necessity, route alternatives, threatened and endangered species, inland fisheries, water quality and turbidity, and wildlife management areas.

At the time of filing its application, Enable had determined that certain originally planned pipeline and compression facilities considered during the pre-filing review were no longer necessary for the Project. Upon review of Enable's proposed facilities in its filed application, FERC staff determined that an EA is the appropriate means to evaluate the Project's environmental impacts, rather than an environmental impact statement. Due to Enable's removal of certain originally planned facilities in the filed application, many of the comments received in response to the NOI are no longer relevant. All applicable and substantive comments will be addressed in the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP20–68 or CP20–70), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: April 28, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–09431 Filed 5–1–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–1564–000]

Northern Colorado Wind Energy Center, LLC; Supplemental Notice that Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced Northern Colorado Wind Energy Center, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that

such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is May 18, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically 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.

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 the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: April 28, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–09443 Filed 5–1–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3633–042]

Brighton Hydroelectric Project; 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.:* 3633–042.

c. *Date Filed:* August 30, 2019.

d. *Submitted By:* KC Brighton, LLC (KC Brighton).

e. *Name of Project:* Brighton Hydroelectric Project.

f. *Location:* Located on the Patuxent River in Howard and Montgomery counties, Maryland. The project does not occupy any federal land.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations

h. *Potential Applicant Contact:* Mr. Richard Ely, KC Brighton, LLC, 27264 Meadowbrook Drive, Davis, CA 95618, (530) 753–8864; email—*Dick@DavisHydro.com.*

i. *FERC Contact:* Chris Millard at (202) 502–8256; or email at *christopher.millard@ferc.gov.*

j. KC Brighton filed a request to use the Traditional Licensing Process on August 30, 2019 and provided public notice of the request on September 17, 2019. In a letter dated April 28, 2020, the Director of the Division of Hydropower Licensing approved KC Brighton'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 and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Maryland 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. KC Brighton 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.

m. 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 FERC *OnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

n. The licensee states its unequivocal intent to submit an application for a subsequent license for Project No. 3633. Pursuant to 18 CFR 16.20, each application for a subsequent 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 August 31, 2022.

o. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: April 28, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–09436 Filed 5–1–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER20–1657–000]

Mechanicsville Solar, LLC; Supplemental Notice that Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Mechanicsville Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR

part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is May 18, 2020.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically 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.

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 the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: April 28, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–09439 Filed 5–1–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1744–041]

PacifiCorp; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for license for the Weber Hydroelectric Project (project) and has prepared an Environmental Assessment (EA). The project is located on the Weber River near the City of Ogden in Weber, Morgan, and Davis Counties, Utah, and occupies 15.51 acres of federal lands administered by the Forest Service.

In the EA, Commission staff analyzes the potential environmental effects of the project and concludes that issuing a license for the project, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The Commission provides all interested persons an opportunity to view and/or print the EA via the internet through the Commission's Home Page (*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 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* or toll-free at (866)-208–3676, or for TTY, (202) 502–8659. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 60 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–1744–041.

For further information, please contact Evan Williams at (202) 502–8462 or at *evan.williams@ferc.gov.*

Dated: April 28, 2020.

Kimberly D. Bose,

Secretary.

[FR Doc. 2020–09434 Filed 5–1–20; 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: ER20–1338–000.
Applicants: King Plains Wind Project, LLC.
Description: Supplement to March 18, 2020 King Plains Wind Project, LLC tariff filing.
Filed Date: 4/24/20.
Accession Number: 20200424–5250.
Comments Due: 5 p.m. ET 5/15/20.

Docket Numbers: ER20–1665–000.
Applicants: SOO Green Renewable Rail, LLC.
Description: Application to Sell Transmission Rights at Negotiated Rates of SOO Green Renewable Rail, LLC.
Filed Date: 4/27/20.
Accession Number: 20200427–5298.
Comments Due: 5 p.m. ET 5/18/20.

Docket Numbers: ER20–1666–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2020–04–28_SA 3482 ATC-Paris Solar Energy Center GIA (J878) to be effective 4/14/2020.
Filed Date: 4/28/20.
Accession Number: 20200428–5004.
Comments Due: 5 p.m. ET 5/19/20.

Docket Numbers: ER20–1667–000.
Applicants: Tampa Electric Company.
Description: Motion for Waiver of Rate Schedule Provisions, et al. of Tampa Electric Company.

Filed Date: 4/27/20.
Accession Number: 20200427–5323.
Comments Due: 5 p.m. ET 5/4/20.

Docket Numbers: ER20–1668–000.
Applicants: Dominion Energy South Carolina, Inc.
Description: § 205(d) Rate Filing: Attachment M Modifications in LGIP to be effective 6/28/2020.
Filed Date: 4/28/20.
Accession Number: 20200428–5084.
Comments Due: 5 p.m. ET 5/19/20.

Docket Numbers: ER20–1669–000.
Applicants: Midcontinent Independent System Operator, Inc., GridLiance Heartland LLC.
Description: Compliance filing: 2020–04–28_GridLiance Attachment O Income Tax Allowance Filing to be effective 7/1/2020.
Filed Date: 4/28/20.
Accession Number: 20200428–5086.
Comments Due: 5 p.m. ET 5/19/20.

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 28, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–09438 Filed 5–1–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0720; FRL–10008–08]

Pesticide Registration Review; Draft Human Health and/or Ecological Risk Assessments for Several Rodenticides; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's draft human health and/or ecological risk assessments for the registration review of brodifacoum, bromadiolone, bromethalin, cholecalciferol, chlorophacinone, difenacoum, difethialone, diphacinone and diphacinone sodium salt, and warfarin and warfarin sodium salt.

DATES: Comments must be received on or before July 6, 2020.

ADDRESSES: Submit your comments, to the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, are available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information contact: The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general questions on the registration review program, contact: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–7106; email address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in the Table in Unit IV.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed comprehensive draft human health and/or ecological risk assessments for all pesticides listed in the Table in Unit IV. After reviewing comments received during the public comment period, EPA may issue a revised risk assessment, explain any changes to the draft risk assessment, and

respond to comments and may request public input on risk mitigation before completing a proposed registration review decision for the pesticides listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's human health and/or ecological risk assessments for the pesticides shown in the following table and opens a 60-day public comment period on the risk assessments.

TABLE—DRAFT RISK ASSESSMENTS BEING MADE AVAILABLE FOR PUBLIC COMMENT

Registration review case name and number	Docket ID No.	Chemical review manager and contact information
Brodifacoum, Case 2755	EPA–HQ–OPP–2015–0767	Kent Fothergill, *fothergill.kent@epa.gov*, 703–347–8299.
Bromadiolone, Case 2760	EPA–HQ–OPP–2015–0768	Kent Fothergill, *fothergill.kent@epa.gov*, 703–347–8299.
Bromethalin, Case 2765	EPA–HQ–OPP–2016–0077	Kent Fothergill, *fothergill.kent@epa.gov*, 703–347–8299.
Cholecalciferol, Case 7600	EPA–HQ–OPP–2016–0139	Kent Fothergill, *fothergill.kent@epa.gov*, 703–347–8299.
Chlorophacinone, Case 2100	EPA–HQ–OPP–2015–0778	Kent Fothergill, *fothergill.kent@epa.gov*, 703–347–8299.
Difenacoum, Case 7630	EPA–HQ–OPP–2015–0769	Kent Fothergill, *fothergill.kent@epa.gov*, 703–347–8299.
Difethialone, Case 7603	EPA–HQ–OPP–2015–0770	Kent Fothergill, *fothergill.kent@epa.gov*, 703–347–8299.
Diphacinone and Diphacinone Sodium Salt, Case 2205.	EPA–HQ–OPP–2015–0777	Kent Fothergill, *fothergill.kent@epa.gov*, 703–347–8299.
Warfarin and Warfarin Sodium Salt, Case 0011.	EPA–HQ–OPP–2015–0481	Kent Fothergill, *fothergill.kent@epa.gov*, 703–347–8299.

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's draft human health and/or ecological risk assessments for the pesticides listed in the Table in Unit IV. The Agency will consider all comments received during the public comment period and make changes, as appropriate, to a draft human health and/or ecological risk assessment. EPA may then issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments.

Information Submission Requirements

Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

(Authority: 7 U.S.C. 136 *et seq.*)

Dated: April 9, 2020.

Mary Reaves,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2020–09455 Filed 5–1–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2018–0014; FRL–10007–64]

Cancellation Order for Certain Pesticide Registrations and Amendments To Terminate Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations and amendments to terminate uses, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 and Table 2 of Unit II, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows a February 4, 2020 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 3 of Unit II to voluntarily cancel and amend to terminate uses of these product registrations. In the February 4, 2020 notice, EPA indicated that it would issue an order implementing the cancellations and amendments to terminate uses, unless the Agency received substantive comments within the 30-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency

received one comment on the notice, but it did not merit its further review of the request. Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations and amendments to terminate uses. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations and amendments are effective May 4, 2020.

FOR FURTHER INFORMATION CONTACT: Christopher Green, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2018–0014, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the Agency taking?

This notice announces the cancellations and amendments to terminate uses, as requested by registrants, of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Table 1 and Table 2 of this unit.

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Active ingredients
464–8123	464	Filmguard IPBC 100 Fungicidal Agent (Active), Bioban IPBC 100 Antimicrobial (Alternate).	Carbamic acid, butyl-, 3-iodo-2-propynyl ester.
464–8125	464	Filmguard IPBC 20 Fungicidal Agent (Active), Bioban IPBC 20 Antimicrobial and Bioban IPBC 20 LE (Alternate).	Carbamic acid, butyl-, 3-iodo-2-propynyl ester.
499–322	499	Whitmire Avert PT 300 Pressurized Spray	Abamectin.
499–383	499	Whitmire Avert PT 310 HO Abamectin Bait Dust.	Abamectin.
499–394	499	Whitmire Avert Prescription Treatment 320 Crack & Crevice Gel Bait.	Abamectin.
499–406	499	Avert Prescription Treatment TC 93A Bait	Abamectin.
499–410	499	Avert Prescription Treatment TC 93B Bait	Abamectin.
499–434	499	Whitmire TC 149A Insecticide	Abamectin.
499–440	499	Whitmire TC 149B	Abamectin.
499–467	499	Whitmire Avert TC 181	Abamectin.
1448–100	1448	Busan 1069	2-(Thiocyanomethylthio)benzothiazole.
1448–341	1448	Busan 1127	2-(Thiocyanomethylthio)benzothiazole.
3573–73	3573	Tide with Bleach Opal	Hydrogen peroxide & Nonanoic acid, sulfophenyl ester, sodium salt.
4959–34	4959	YYY Disinfectant	Iodine.
5185–498	5185	Bioguard Crystal Blue Mineral Cartridge	Silver nitrate.
7364–60	7364	Spa/Hot Tub Products Chlorinating Concentration Granular.	Sodium dichloro-s-triazinetrione.
7969–189	7969	Baseline Plant Regulator	Prohexadione calcium.
8378–54	8378	Gro-Fine Bayleton Fungicide	Triadimefon.
8378–55	8378	Shaw's Fungicide 100	Triadimefon.
9198–187	9198	Andersons Golf Products Fungicide VII	Triadimefon.
9198–190	9198	Andersons Golf Products Fertilizer Plus Fungicide VII.	Triadimefon.
9386–7	9386	AMA–31	Nabam & Sodium dimethyldithiocarbamate.
9386–11	9386	AMA–30	Nabam & Sodium dimethyldithiocarbamate.
9386–23	9386	AMA–9	Nabam & Sodium dimethyldithiocarbamate.
10324–18	10324	Algaesil	Nanosilver 002.
10324–165	10324	Maquat MC1416–90%	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12).
33677–1	33677	Tolcide(R) MBT	Methylene bis(thiocyanate).
34688–76	34688	Aquatreat DNM–30	Nabam & Sodium dimethyldithiocarbamate.
34688–77	34688	Aquatreat KM	Potassium dimethyldithiocarbamate.
34688–78	34688	Aquatreat SDM	Sodium dimethyldithiocarbamate.
34688–79	34688	Aquatreat DN–30	Nabam.
34704–882	34704	Oryzalin T&O	Oryzalin.

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Active ingredients
34704–918	34704	Ethofume SC Herbicide	Ethofumesate.
34704–949	34704	Intensity Max	Clethodim.
35917–2	35917	Iodinated Resin H–465	Iodine.
45309–12	45309	Spa Clear Spa Chlor-56	Sodium dichloro-s-triazinetrione.
45309–21	45309	Aqua Clear Iso-Gran	Sodium dichloro-s-triazinetrione.
45309–59	45309	Aqua Clear Aqua-Shock	Sodium dichloro-s-triazinetrione.
45309–61	45309	Aqua Clear Winterizer	Sodium dichloro-s-triazinetrione.
45309–84	45309	Red Plug Cartridge with Concentrated Chlorinated Tablets.	Trichloro-s-triazinetrione.
45309–94	45309	Speed-Y-Tabs	Sodium dichloroisocyanurate dihydrate.
62719–694	62719	MON 89034 X TC1507 X MIR162	Bacillus thuringiensis Vip3Aa20 protein encoded by vector pNOV1300 in event MIR162 corn (SYN–IR162–4), % dw; Bacillus thuringiensis Cry1F protein and the genetic material necessary for its production (plasmid insert PHI8999) in corn; Bacillus thuringiensis Cry2Ab2 protein and the genetic material necessary (vector PV–ZMIR245) for its production in corn & Bacillus thuringiensis Cry1A.105 protein and genetic material necessary (vector PV–ZMIR245) for its production in corn.
67262–18	67262	3'' Stabilized Chlorinator Tablets	Trichloro-s-triazinetrione.
70506–50	70506	Surflan 85DF	Oryzalin.
70506–51	70506	Turf Fertilizer Contains Surflan 1%	Oryzalin.
70506–52	70506	Turf Fertilizer Contains Surflan 0.75%	Oryzalin.
70506–53	70506	Up-Shot DF Herbicide	Oryzalin & Isoxaben.
70506–54	70506	Surflan 75W	Oryzalin.
70506–55	70506	Turf Fertilizer Contains Galley Plus Surflan	Oryzalin & Isoxaben.
70506–96	70506	Oryza Ag	Oryzalin.
70506–97	70506	Oryza T&O	Oryzalin.
72616–9	72616	Taratek TC	Triadimefon & Cyproconazole.
85678–55	85678	Flucarbazone 35% SC	Flucarbazone-sodium.
87262–4	87262	Compass THPS	Tetrakis(hydroxymethyl)phosphonium sulphate (THPS).
87262–6	87262	Compass THPS 50	Tetrakis(hydroxymethyl)phosphonium sulphate (THPS).
87262–7	87262	Compass THPS 35	Tetrakis(hydroxymethyl)phosphonium sulphate (THPS).
87262–8	87262	Compass THPS 20	Tetrakis(hydroxymethyl)phosphonium sulphate (THPS).
88276–1	88276	Octopol DSM–30	Nabam & Sodium dimethyldithiocarbamate.
89442–2	89442	Ethofumesate Select	Ethofumesate.
91813–24	91813	Agvalue Oryzalin Technical	Oryzalin.
AL–870002	400	Dimilin 25W for Cotton/Soybean	Diflubenzuron.
CA–100013	63206	Lorsban Advanced	Chlorpyrifos.
CA–790138	5481	Orthene 75 S Soluble Powder	Acephate.
CA–950010	5481	Fruit Fix Concentrate 200	Ammonium 1-naphthaleneacetate.
CO–070003	71512	Omega 500F	Fluazinam.
CO–080008	62719	Lorsban Advanced	Chlorpyrifos.
CO–090005	71512	Beleaf 50SG Insecticide	Flonicamid.
CO–140002	1381	Carnivore Herbicide	MCPA, 2-ethylhexyl ester; Bromoxynil octanoate & Fluroxypyr-meptyl.
HI–090001	62719	Lorsban Advanced	Chlorpyrifos.
WA–000035	352	Curzate 60DF	Cymoxanil.
WA–020019	62719	NAF–522	Glyphosate-isopropylammonium.

TABLE 2—PRODUCT REGISTRATION AMENDMENTS TO TERMINATE USES

Registration No.	Company No.	Product name	Active ingredient	Uses to be terminated
45728–7	45728	Ferbam Granuflo	Ferbam	Grapes and cherries.
45728–14	45728	Thionic Ziram Technical	Ziram	Industrial yarns and fabrics.

Table 3 of this unit includes the names and addresses of record for all the registrants of the products listed in Tables 1 and 2 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 and Table 2 of this unit.

TABLE 3—REGISTRANTS OF CANCELLED AND AMENDED PRODUCTS

EPA Company No.	Company name and address
352	E. I. Du Pont De Nemours and Company, 9330 Zionsville Road, Indianapolis, IN 46268.

TABLE 3—REGISTRANTS OF CANCELLED AND AMENDED PRODUCTS—Continued

EPA Company No.	Company name and address
400	MacDermid Agricultural Solutions, Inc., C/O Arysta LifeScience North America, LLC, Agent Name: UPL NA, Inc., 630 Freedom Business Center, #402, King of Prussia, PA 19406.
464	DDP Specialty Electronic Materials US, Inc., A Wholly Owned Subsidiary of The Dow Chemical Company, 1501 Larkin Center Drive, Midland, MI 48674.
499	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
1381	Winfield Solutions, LLC, P.O. Box 64589, St. Paul, MN 55164–0589.
1448	Buckman Laboratories, Inc., 1256 North Mclean Blvd., Memphis, TN 38108.
3573	The Procter & Gamble Company, D/B/A Procter & Gamble, 5299 Spring Grove Ave.,—F&HC PS&RA, Cincinnati, OH 45217.
4959	West Agro, Inc., 11100 N. Congress Ave., Kansas City, MO 64153.
5185	Bio-Lab, Inc., P.O. Box 300002, Lawrenceville, GA 30049–1002.
5481	AMVAC Chemical Corporation, 4695 MacArthur Court, Suite 1200, Newport Beach, CA 92660–1706.
7364	Innovative Water Care, LLC, D/B/A GLB Pool & Spa, 1400 Bluegrass Lakes Parkway, Alpharetta, GA 30004.
7969	BASF Corporation, Agricultural Products, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
8378	Knox Fertilizer Company, Inc., Agent Name: Fred Betz Regulatory Strategies, 922 Melvin Road, Annapolis, MD 21403.
9198	The Andersons, Inc., 1947 Briarfield Blvd., P.O. Box 119, Maumee, OH 43537.
9386	Kemira Chemicals, Inc., 1000 Parkwood Circle, Suite 500, Atlanta, GA 30339.
10324	Mason Chemical Company, 9075 Centre Pointe Dr., Suite 400, West Chester, OH 45069.
33677	Solvay Solutions UK Limited, Agent Name: Delta Analytical Corporation, 12510 Prosperity Drive, Suite 160, Silver Spring, MD 20904.
34688	Akzo Nobel Surface Chemistry, LLC, 525 W Van Buren St., Chicago, IL 60607–3823.
34704	Loveland Products, Inc., P.O. Box 1286, Greeley, CO 80632–1286.
35917	Hybrid Technologies Corporation, Agent Name: RegWest Company, LLC, 8209 West 20th Street, Suite B, Greeley, CO 80634–4699.
45309	Aqua Clear Industries, LLC, P.O. Box 2456, Suwanee, GA 30024–0980.
45728	Taminco US, LLC, A Subsidiary of Eastman Chemical Company, 200 S. Wilcox Dr., Kingsport, TN 37660–5147.
62719	Dow Agrosciences, LLC, 9330 Zionsville Rd., 308/2E, Indianapolis, IN 46268–1054.
63206	California Citrus Quality Council, 853 Lincoln Way, Suite 206, Auburn, CA 95603.
67262	Recreational Water Products, Inc., D/B/A Recreational Water Products, P.O. Box 1449, Buford, GA 30515–1449.
70506	UPL NA, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406.
71512	ISK BioSciences Corporation, 7470 Auburn Road, Suite A, Concord, OH 44077.
72616	Lonza NZ Limited, Agent Name: Arch Wood Protection, Inc., 3941 Bonsal Road, Conley, GA 30288.
85678	RedEagle International, LLC, Agent Name: Wagner Regulatory Associates, Inc., P.O. Box 640, Hockessin, DE 19707.
87262	Italmatch USA Corporation, 5544 Oakdale Road, S.E., Smyrna, GA 30082.
88276	Tiarco Chemical Company, 1300 Tiarco Drive S.W., Dalton, GA 30720.
89442	Prime Source, LLC, Agent Name: Wagner Regulatory Associates, Inc., P.O. Box 640, 7217 Lancaster Pike, Suite A, Hockessin, DE 19707.
91813	UPL Delaware, Inc., 630 Freedom Business Ctr., #402, King of Prussia , PA 19406.

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received one comment in response to the February 4, 2020 **Federal Register** notice announcing the Agency's receipt of the requests for voluntary cancellations and amendments to terminate uses of products listed in Tables 1 and 2 of Unit II; however, it wasn't substantive. For this reason, the Agency does not believe that the comments submitted during the comment period merit further review or a denial of the requests for voluntary cancellation and use termination.

IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)(1)), EPA hereby approves the requested cancellations and amendments to terminate uses of the registrations identified in Tables 1 and 2 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Tables 1 and 2 of Unit II are canceled and amended to terminate the affected uses. The effective date of the cancellations and amendments listed in Table 1 and Table 2 that are subject of this notice is May 4, 2020. Any distribution, sale, or use of existing stocks of the products identified in Tables 1 and 2 of Unit II in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI will be a violation of FIFRA.

V. What is the agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of February 4, 2020 (85 FR 6169) (FRL–10004–10). The comment period closed on March 5, 2020.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the action. The existing stocks provision for the products subject to this order is as follows.

A. For products 464–8123, 10324–18 & 10324–165.

For products 464–8123, 10324–18 & 10324–165, listed in Table 1 of Unit II, the registrants have requested 18-months to sell existing stocks. Registrants will be permitted to sell and distribute existing stocks of these products for 18-months after the effective date of the cancellation, which will be the date of publication of the

cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing these products, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

B. For products 87262–4, 87262–6, 87262–7 & 87262–8.

For products 87262–4, 87262–6, 87262–7 & 87262–8, listed in Table 1 of Unit II, the registrant has requested to sell existing stocks until December 31, 2020. Registrants will be permitted to sell and distribute existing stocks of these products until December 31, 2020. Thereafter, registrants will be prohibited from selling or distributing these products, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

For all other voluntary product cancellations, identified in Table 1 of Unit II, registrants will be permitted to sell and distribute existing stocks of voluntarily canceled products for 1 year after the effective date of the cancellation, which will be the date of publication of the cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing all other products identified in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Now that EPA has approved product labels reflecting the requested amendment to terminate uses, registrants are permitted to sell or distribute products listed in Table 2 of Unit II under the previously approved labeling until November 4, 2021, a period of 18 months after publication of the cancellation order in this **Federal Register**, unless other restrictions have been imposed.

Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the terminated use identified in Table 2 of Unit II, except for export consistent with FIFRA section 17 or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of canceled products and products whose labels include the terminated uses until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products and terminated uses.

(Authority: 7 U.S.C. 136 *et seq.*)

Dated: April 2, 2020.

Delores Barber,

Director,Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2020–09456 Filed 5–1–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2020–0201; FRL–10009–15]

Pesticide Program Dialogue Committee; Notice of Virtual Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act, the Environmental Protection Agency's (EPA's) Office of Pesticide Programs is announcing a virtual public meeting of the Pesticide Program Dialogue Committee (PPDC) on May 20–21, 2020, with participation by phone and webcast only. There will be no in-person gathering for this meeting.

DATES: This virtual public meeting will be held on Wednesday, May 20, 2020, from 10:00 a.m. to approximately 4:00 p.m., and Thursday, May 21, 2020, from 10 a.m. to approximately 3:00 p.m. To make oral comments during the virtual meeting, please register by noon on May 15, 2020.

ADDRESSES: To register and attend this virtual meeting, please visit *https://www.epa.gov/pesticide-advisory-committees-and-regulatory-partners/pesticide-program-dialogue-committee-ppdc.* You must register online to receive the webcast meeting link and audio teleconference information for participation.

FOR FURTHER INFORMATION CONTACT: Shannon Jewell, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW (7501P), Washington, DC 20460; telephone number: (703) 347–0109; email address: *jewell.shannon@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you work in in agricultural settings or if you are concerned about implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et seq.*); the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 301 *et seq.*); the Pesticide Registration Improvement Act (PRIA) (which amends FIFRA section 33); and the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*). Potentially affected entities may include, but are not limited to: Agricultural workers and farmers; pesticide industry and trade associations; environmental, consumer, and farm worker groups; pesticide users and growers; animal rights groups; pest consultants; State, local, and tribal governments; academia; public health organizations; and the public. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I access information related to this virtual meeting?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2020–0201, is available online at *http://www.regulations.gov.* Please note that due to the public health emergency the EPA Docket Center (EPA/DC) and Reading Room was closed to public visitors on March 31, 2020. Our EPA/DC staff will continue to provide customer service via email, phone, and webform.

Once the EPA/DC is reopened to the public, the docket will also be available in-person at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the EPA/DC, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. For further information on EPA/DC services, docket contact information and the current status of the EPA/DC and Reading Room, please visit *https://www.epa.gov/dockets.*

II. Background

The PPDC is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix 2 *et seq.* EPA established the PPDC in September 1995 to provide advice and recommendations to the EPA Administrator on issues associated with pesticide regulatory development and reform initiatives, evolving public policy and program implementation issues, and policy issues associated with evaluating and reducing risks from use of pesticides. The following sectors are represented on

the current PPDC: Environmental/public interest and animal rights groups; farm worker organizations; pesticide industry and trade associations; pesticide user, grower, and commodity groups; Federal and State/local/tribal governments; the general public; academia; and public health organizations.

III. How do I participate in the virtual public meeting?

A. Virtual Meeting

The virtual meeting will be conducted via webcast and telephone. You may participate in the virtual meeting by registering to join the webcast. You may also submit written or oral comments.

B. Registration

You must register to participate in the virtual meeting. To participate by listening or making a comment during this meeting, please go to the EPA website to register: *https://www.epa.gov/pesticide-advisory-committees-and-regulatory-partners/pesticide-program-dialogue-committee-ppdc.* Registration online will be confirmed by an email that will include the webcast meeting link and audio teleconference information.

C. Oral Comments

Requests to make brief oral comments to the PPDC during the virtual meeting should be submitted when registering online or with the DFO listed under **FOR FURTHER INFORMATION CONTACT** on or before noon on the date set in the **DATES** section.

Authority: 5 U.S.C. Appendix 2 *et seq.* and 7 U.S.C. 136 *et seq.*

Dated: April 27, 2020.

Richard Keigwin,

Director, Office of Pesticide Programs.

[FR Doc. 2020–09413 Filed 5–1–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0720; FRL–10008–10]

Pesticide Registration Review; Draft Human Health and/or Ecological Risk Assessments for Several Pesticides; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's draft human health and/or ecological risk assessments for the registration review of acetochlor, ethofumesate, fipronil, forchlorfenuron, halohydantoins, inorganic sulfites, novaluron, oxadiazon, peroxy compounds, peroxyoctanoic acid, picloram, rotenone, sodium percarbonate, spiromesifen, thiophanate-methyl and carbendazim. In addition, the agency will not be publishing draft risk assessments for spirodiclofen because all products containing that active ingredient are subject to cancellation effective December 31, 2020.

DATES: Comments must be received on or before July 6, 2020.

ADDRESSES: Submit your comments, to the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, are available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information contact: The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general questions on the registration review program, contact: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (703) 305–7106; email address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in the Table in Unit IV.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low- income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed comprehensive draft human health and/or ecological risk assessments for all pesticides listed in the Table in Unit IV. After reviewing

comments received during the public comment period, EPA may issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments and may request public input on risk mitigation before completing a proposed registration review decision for the pesticides listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's human health and/or ecological risk assessments for the pesticides shown in the following table and opens a 60-day public comment period on the risk assessments. The Agency notes that draft risk assessments for spirodiclofen will not be published because all products containing that active ingredient are subject to cancellation effective December 31, 2020.

TABLE—DRAFT RISK ASSESSMENTS BEING MADE AVAILABLE FOR PUBLIC COMMENT

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
Acetochlor, Case 7230	EPA–HQ–OPP–2016–0298	Linsey Walsh, *walsh.linsey@epa.gov*, 703–374–0588.
Ethofumesate, Case 2265	EPA–HQ–OPP–2015–0406	Andrew Muench, *muench.andrew@epa.gov*, 703–347–8263.
Fipronil, Case 7423	EPA–HQ–OPP–2011–0448	Darius Stanton, *stanton.darius@epa.gov*, 703–347–0433.
Forchlorfenuron, Case 7057	EPA–HQ–OPP–2014–0641	Srijana Shrestha, *shrestha.srijana@epa.gov*, 703–305–6471.
Halohydantoins, Case 3055	EPA–HQ–OPP–2013–0220	Peter Bergquist, *bergquist.peter@epa.gov*, 703–347–8563.
Inorganic Sulfites, Case 4056 and 7019.	EPA–HQ–OPP–2013–0598	Matthew B. Khan, *khan.matthew@epa.gov*, 703–347–8613.
Novaluron, Case 7615	EPA–HQ–OPP–2015–0171	Robert Little, *little.robert@epa.gov*, 703–347–8156.
Oxadiazon, Case 2485	EPA–HQ–OPP–2014–0782	Sergio Santiago, *santiago.sergio@epa.gov*, 703–347–8606.
Peroxy Compounds, Case 4072	EPA–HQ–OPP–2009–0546	Kendall Ziner, *ziner.kendall@epa.gov*, 703–347–8829.
Peroxyoctanoic acid, Case 5081	EPA–HQ–OPP–2016–0341	Kendall Ziner, *ziner.kendall@epa.gov*, 703–347–8829.
Picloram, Case 0096	EPA–HQ–OPP–2013–0740	Veronica Dutch, *dutch.veronica@epa.gov*, 703–308–8585.
Rotenone, Case 0255	EPA–HQ–OPP–2015–0572	R. David Jones, *jones.rdavid@epa.gov*, 703–305–6725.
Sodium percarbonate, Case 6059	EPA–HQ–OPP–2017–0354	Kendall Ziner, *ziner.kendall@epa.gov*, 703–347–8829
Spirodiclofen (no risk assessment), Case 7443.	EPA–HQ–OPP–2014–0262	Veronica Dutch, *dutch.veronica@epa.gov*, 703–308–8585.
Spiromesifen, Case 7442	EPA–HQ–OPP–2014–0263	Veronica Dutch, *dutch.veronica@epa.gov*, 703–308–8585.
Thiophanate-methyl and carbendazim, Case 2680.	EPA–HQ–OPP–2014–0004	Alexandra Feitel, *feitel.alexandra@epa.gov*, 703–347–8631.

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's draft human health and/or ecological risk assessments for the pesticides listed in the Table in Unit IV. The Agency will consider all comments received during the public comment period and make changes, as appropriate, to a draft human health and/or ecological risk assessment. EPA may then issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments.

Information submission requirements. Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

(Authority: 7 U.S.C. 136 *et seq.*)

Dated: April 9, 2020.

Mary Reaves,

Acting Director,Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2020–09453 Filed 5–1–20; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2019–0502; FRL–10008–63]

Perchloroethylene; Draft Toxic Substances Control Act (TSCA) Risk Evaluation and TSCA Science Advisory Committee on Chemicals (SACC) Meetings; Notice of Availability, Public Meetings, and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing the availability of and soliciting public comment on the draft Toxic Substances Control Act (TSCA) risk evaluation of perchloroethylene. EPA is also submitting the same document to the TSCA Science Advisory Committee on Chemicals (SACC) for peer review and is announcing that there will be two virtual public meetings of the TSCA SACC, with participation by phone and webcast only, and no in-person gathering. The first virtual public meeting will be a preparatory meeting for the SACC to consider the scope and clarity of the draft charge questions for the peer review. This will be followed by the peer review public virtual meeting for the SACC to consider and review the draft risk evaluation. The purpose of conducting risk evaluations under TSCA is to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use, including an unreasonable risk to a relevant potentially exposed or susceptible subpopulation.

DATES:

Preparatory Virtual Meeting: Will be held on May 5, 2020, from 1:00 p.m. to approximately 4:00 p.m. (EDT). You must register online on or before May 5, 2020, to receive the webcast meeting link and audio teleconference information. Submit your comments for the preparatory virtual meeting, or request time to present oral comments, on or before noon, May 1, 2020.

Peer Review Public Virtual Meeting: Will be held on May 26–29, 2020, from 10:00 a.m. to approximately 5:00 p.m. (EDT) (as needed, updated times for each day may be provided in the meeting agenda that will be posted in the docket at *http://www.regulations.gov* and the TSCA SACC website at *http://www.epa.gov/tsca-peer-review*). You must register online to receive the webcast meeting link and audio teleconference information. To make oral comments during the peer review virtual public meeting, please register by noon on May 20, 2020, to be included on the meeting agenda. Any written comments submitted on the draft risk evaluation on or before May 20, 2020, will be provided to the TSCA SACC committee for their consideration before the meeting. Comments received after May 20, 2020, and prior to the oral public comment period during the meeting will be available to the SACC for their consideration during the meeting. All comments received by the end of the comment period will be considered by EPA.

Comments: All comments on the draft risk evaluation must be received on or before July 6, 2020. For additional instructions, see Unit III. of the **SUPPLEMENTARY INFORMATION**.

ADDRESSES:

Virtual Meetings: Please visit *http://www.epa.gov/tsca-peer-review* to register. You must register online to receive the webcast meeting link and audio teleconference information for participation.

Comments: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2019–0502, using the *Federal eRulemaking Portal* at *http://www.regulations.gov*. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Docket: Docket materials are publicly available online at *https://www.regulations.gov* under docket ID number EPA–HQ–OPPT–2019–0502. Please note, that due to the public health emergency, the EPA Docket Center and Reading Room was closed to public visitors on March 31, 2020, and there is a temporary suspension of mail delivery to EPA (including hand deliveries). Our Docket Center staff will continue to provide customer service via email, phone, and webform. For further information on EPA Docket Center services, docket contact information and the current status of the EPA Docket Center and Reading Room, please visit *https://www.epa.gov/dockets.*

Requests to present oral comments and requests for special accommodations: Submit requests for special accommodations, or requests to present oral comments during the virtual meetings to the Designated Federal Official (DFO) listed under **FOR FURTHER INFORMATION CONTACT** by the deadline identified in the **DATES** section.

FOR FURTHER INFORMATION CONTACT:

TSCA SACC: Tamue Gibson, DFO, Office of Science Coordination and Policy (7201M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–7642; email address: *gibson.tamue@epa.gov.*

Draft Risk Evaluation: Dr. Stan Barone, Office of Pollution Prevention and Toxics (7403M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–1169; email address: *barone.stan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action may be of interest to persons who are or may be required to conduct testing and those interested in risk evaluations of chemical substances under TSCA, 15 U.S.C. 2601 *et seq.* Since other entities may also be interested in this draft risk evaluation, the EPA has not attempted to describe all the specific entities that may be affected by this action.

B. What is EPA's authority for taking this action?

TSCA section 6, 15 U.S.C. 2605, requires EPA to conduct risk evaluations to ''determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant to the risk evaluation by the Administrator, under the conditions of use.'' 15 U.S.C. 2605(b)(4)(A). TSCA sections 6(b)(4)(A) through (H) enumerate the deadlines and minimum requirements applicable to this process, including provisions that provide instruction on chemical substances that must undergo evaluation, the minimum components of a TSCA risk evaluation, and the timelines for public comment and completion of the risk evaluation. TSCA also requires that EPA operate in a manner that is consistent with the best available science, make decisions based on the weight of the scientific evidence and consider reasonably available information. 15 U.S.C. 2625(h), (i), and (k).

The statute identifies the minimum components for all chemical substance risk evaluations. For each risk evaluation, EPA must publish a document that outlines the scope of the risk evaluation to be conducted, which includes the hazards, exposures, conditions of use, and the potentially

exposed or susceptible subpopulations that EPA expects to consider. 15 U.S.C. 2605(b)(4)(D). The statute further provides that each risk evaluation must also: (1) Integrate and assess available information on hazards and exposures for the conditions of use of the chemical substance, including information that is relevant to specific risks of injury to health or the environment and information on relevant potentially exposed or susceptible subpopulations; (2) describe whether aggregate or sentinel exposures were considered and the basis for that consideration; (3) take into account, where relevant, the likely duration, intensity, frequency, and number of exposures under the conditions of use; and (4) describe the weight of the scientific evidence for the identified hazards and exposures. 15 U.S.C. 2605(b)(4)(F)(i)–(ii) and (iv)–(v). Each risk evaluation must not consider costs or other nonrisk factors. 15 U.S.C. 2605(b)(4)(F)(iii).

The statute requires that the risk evaluation process last no longer than three years, with a possible additional six-month extension. 15 U.S.C. 2605(b)(4)(G). The statute also requires that the EPA allow for no less than a 30-day public comment period on the draft risk evaluation, prior to publishing a final risk evaluation. 15 U.S.C. 2605(b)(4)(H).

C. What action is EPA taking?

EPA is announcing the availability of and seeking public comment on the draft risk evaluation of the chemical substance identified in Unit II. EPA is seeking public comment on all aspects of the draft risk evaluation, including any preliminary conclusions, findings, and determinations, and the submission of any additional information that might be relevant to the draft risk evaluation, including the science underlying the risk evaluation and the outcome of the systematic review associated with the chemical substance. This 60-day comment period on the draft risk evaluation satisfies TSCA section 6(b)(4)(H), which requires EPA to ''provide no less than 30 days public notice and an opportunity for comment on a draft risk evaluation prior to publishing a final risk evaluation'' and 40 CFR 702.49(a), which states that ''EPA will publish a draft risk evaluation in the **Federal Register**, open a docket to facilitate receipt of public comment, and provide no less than a 60-day comment period, during which time the public may submit comment on EPA's draft risk evaluation.'' In addition to any new comments on the draft risk evaluation, the public should resubmit or clearly identify any previously filed comments, modified as appropriate, that are relevant to the draft risk evaluation and that the submitter feels have not been addressed. EPA does not intend to respond to comments submitted prior to the release of the draft risk evaluation unless they are clearly identified in comments on the draft risk evaluation.

EPA is also submitting the draft risk evaluation and associated supporting documents to the TSCA SACC for peer review and announcing the meeting for the peer review panel. All comments submitted to the docket on the draft risk evaluation by the deadline identified in the **DATES** section will be provided for consideration to the TSCA SACC peer review panel, which will have the opportunity to consider the comments during its discussions.

D. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Draft TSCA Risk Evaluation

A. What is EPA's risk evaluation process for existing chemicals under TSCA?

The risk evaluation process is the second step in EPA's existing chemical process under TSCA, following prioritization and before risk management. As this chemical is one of the first ten chemical substances undergoing risk evaluation, the chemical substance was not required to go through prioritization (81 FR 91927, December 19, 2016) (FRL–9956–47). The purpose of conducting risk evaluations is to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, under the conditions of use, including an unreasonable risk to a relevant potentially exposed or susceptible subpopulation. As part of this process, EPA must evaluate both hazard and exposure, not consider costs or other nonrisk factors, use reasonably available information and approaches in a manner that is consistent with the requirements in TSCA for the use of the best available science, and ensure decisions are based on the weight of scientific evidence.

The specific risk evaluation process that EPA has established by rule to implement the statutory process is set out in 40 CFR part 702 and summarized on EPA's website at *http://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluations-existing-chemicals-under-tsca.* As explained in the preamble to EPA's final rule on procedures for risk evaluation (82 FR 33726, July 20, 2017) (FRL–9964–38), the specific regulatory process set out in 40 CFR part 702, subpart B will be followed for the first ten chemical substances undergoing risk evaluation to the maximum extent practicable.

B. What is perchloroethylene?

Perchloroethylene has a wide range of uses, including production of fluorinated compounds, and as a solvent in dry cleaning and vapor degreasing. A variety of consumer and commercial products use perchloroethylene such as adhesives (arts and crafts, as well as light repairs), aerosol degreasing, brake cleaners, aerosol lubricants, sealants, stone polish, stainless steel polish and wipe cleaners. Perchloroethylene is subject to federal and state regulations and reporting requirements. Leading applications of perchloroethylene include manufacturing, solvents for cleaning and degreasing, lubricants, adhesives and sealants, cleaning and furniture care products. EPA evaluated the conditions of use associated with the manufacturing, processing, distribution in commerce, industrial, commercial and consumer use and disposal of perchloroethylene. The yearly aggregate production volume ranged from 388 to 324 million pounds between 2012 and 2015.

Information about the problem formulation and scope phases of the TSCA risk evaluation for this chemical is available at *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-perchloroethylene.*

III. TSCA SACC

A. What is the purpose of the TSCA SACC?

The TSCA SACC was established by EPA in 2016 and operates in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix 2 *et seq.* The TSCA SACC provides expert independent scientific advice and consultation to the EPA on the scientific and technical aspects of risk assessments, methodologies, and pollution prevention measures and approaches for chemicals regulated under TSCA.

The TSCA SACC is comprised of experts in: Toxicology; human health and environmental risk assessment; exposure assessment; and related sciences (*e.g.,* synthetic biology, pharmacology, biotechnology, nanotechnology, biochemistry, biostatistics, physiologically based pharmacokinetic modelling (PBPK) modeling, computational toxicology, epidemiology, environmental fate, and environmental engineering and sustainability). When needed, the committee will be assisted in their reviews by ad hoc participants with specific expertise in the topics under consideration.

B. How can I access the TSCA SACC documents?

EPA's background documents, related supporting materials, and draft charge questions to the TSCA SACC are available on the TSCA SACC website and in the docket established for the specific chemical substance. In addition, EPA will provide additional background documents (*e.g.,* TSCA SACC members participating in this meeting and the meeting agenda) as the materials become available. You may obtain electronic copies of these documents, and certain other related documents that might be available, in the docket at *http://www.regulations.gov* and the TSCA SACC website at *http://www.epa.gov/tsca-peer-review.*

After the public meeting, the TSCA SACC will prepare meeting minutes summarizing its recommendations to the EPA. The meeting minutes will be posted on the TSCA SACC website and in the relevant docket.

C. What do I need to know about the TSCA SACC public meetings?

The focus of the public meetings is to peer review EPA's draft risk evaluation. After the peer review process, EPA will consider peer reviewer comments and recommendations and public comments, in finalizing the risk evaluation. The draft risk evaluation contains: Discussion of chemistry and physical-chemical properties; characterization of conditions of use; environmental fate and transport assessment; human health exposures; environmental hazard assessment; risk characterization; risk determination; and a detailed description of the systematic review process developed by the Office of Pollution Prevention and Toxics to search, screen, and evaluate scientific literature for use in the risk evaluation process.

D. How do I participate in the public meetings?

You may participate in the public meetings by following the instructions in this unit. To ensure proper receipt by EPA, it is imperative that you identify the corresponding docket ID number in the subject line on the first page of your request.

1. *Preparatory virtual meeting.* The preparatory virtual meeting will be conducted via webcast and telephone. You may participate in the preparatory virtual meeting by registering to join the webcast. You may also submit written or oral comments.

i. *Registration.* You must register to participate in the preparatory virtual meeting. To participate by listening or making a comment during this meeting, please go to the EPA website to register: *http://www.epa.gov/tsca-peer-review.* Registration online will be confirmed by an email that will include the webcast meeting link and audio teleconference information.

ii. *Written comments.* Written comments for consideration during the preparatory virtual meeting should be submitted, using the instructions in **ADDRESSES** and this unit, on or before the date set in the **DATES** section.

iii. *Oral comments.* Requests to make brief oral comments to the TSCA SACC during the preparatory virtual meeting should be submitted when registering online or with the DFO listed under **FOR FURTHER INFORMATION CONTACT** on or before noon on the date set in the **DATES** section. Oral comments before the TSCA SACC during the preparatory virtual meeting are limited to approximately 5 minutes due to the time constraints of this virtual meeting.

2. *Peer review public virtual meeting.* The peer review public virtual meeting will be conducted via webcast and telephone. You may participate in the peer review public virtual meeting by registering to join the webcast. You may also submit written or oral comments.

i. *Registration.* You must register to participate in the peer review public virtual meeting. To participate by listening or making a comment during this meeting, please go to the EPA website to register: *http://www.epa.gov/tsca-peer-review.* Registration online will be confirmed by an email that will include the webcast meeting link and audio teleconference information.

ii. *Written comments.* To provide the TSCA SACC the time necessary to consider and review your comments, written comments for consideration during the peer review public virtual meeting should be submitted, using the instructions in **ADDRESSES** and this unit, on or before the date set in the **DATES** section. Comments received after the date set in the **DATES** section and prior to the end of the oral public comment period during the meeting will still be provided to the TSCA SACC for their consideration.

iii. *Oral comments.* To be included on the meeting agenda, requests to make brief oral comments to the TSCA SACC during the peer review public virtual meeting should be submitted when registering online or with the DFO listed under **FOR FURTHER INFORMATION CONTACT** on or before noon on the date set in the **DATES** section. The request should identify the name of the individual making the presentation, and the organization (if any) the individual will represent. Oral comments before the TSCA SACC during the peer review public virtual meeting are limited to approximately 5 minutes. In addition, each speaker should email their comments and presentation to the DFO listed under **FOR FURTHER INFORMATION CONTACT**, preferably, at least 24 hours prior to the oral public comment period.

Authority: 15 U.S.C. 2601 *et seq.*

Andrew Wheeler,

Administrator.

[FR Doc. 2020–09369 Filed 5–1–20; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities; Extension Without Change: Demographic Information on Applicants for Federal Employment

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of information collection.

SUMMARY: In accordance with the Paperwork Reduction Act, the Equal Employment Opportunity Commission (EEOC or Commission) announces that it is submitting to the Office of Management and Budget (OMB) a request for a three-year extension without change of the Demographic

Information on Federal Job Applicants, OMB No. 3046–0046.

DATES: Written comments on this notice must be submitted on or before June 3, 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: Navarro Pulley, Federal Sector Programs, Office of Federal Operations, 131 M Street NE, Washington, DC 20507, (202) 663–4514 (voice) or 1–800–669–6820 (TTY). (These are not toll-free numbers.).

SUPPLEMENTARY INFORMATION: The EEOC's Demographic Information on Federal Job Applicants form (OMB No. 3046–0046) is intended for use by federal agencies in gathering data on the race, ethnicity, sex, and disability status of job applicants. This form is used by the EEOC and other agencies to gauge progress and trends over time with respect to equal employment opportunity goals.

Pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and OMB regulation 5 CFR 1320.8(d)(1), the Commission sought public comment on extending its form without change through a 60-day notice published October 20, 2016. Comments were invited on whether this collection would continue to enable it to:

(1) Evaluate whether the proposed data collection tool will have practical utility by enabling a federal agency to determine whether recruitment activities are effectively reaching all segments of the relevant labor pool in compliance with the laws enforced by the Commission and whether the agency's selection procedures allow all applicants to compete on a level playing field regardless of race, national origin, sex or disability status;

(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 applicants for federal employees who choose 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.

One anonymous comment in support of this information collection was received.

Overview of This Information Collection

Collection Title: Demographic Information on Federal Job Applicants.

OMB Control No.: 3046–0046.

Description of Affected Public: Individuals submitting applications for federal employment.

Number of Annual Responses: 5,042.

Estimated Time per Response: 3 minutes.

Total Annual Burden Hours: 252.[1]

Annual Federal Cost: None.

Abstract: Under section 717 of Title VII and 501 of the Rehabilitation Act, the Commission is charged with reviewing and approving federal agencies plans to affirmatively address potential discrimination before it occurs. Pursuant to such oversight responsibilities, the Commission has established systems to monitor compliance with Title VII and the Rehabilitation Act by requiring federal agencies to evaluate their employment practices through the collection and analysis of data on the race, national origin, sex and disability status of applicants for both permanent and temporary employment.

Several federal agencies (or components of such agencies) have previously obtained separate OMB approval for the use of forms collecting data on the race, national origin, sex, and disability status of applicants. In order to avoid unnecessary duplication of effort and a proliferation of forms, the EEOC seeks an extension of the approval of a common form to be used by all federal agencies.

Response by applicants is optional. The information obtained will be used by federal agencies only for evaluating whether an agency's recruitment activities are effectively reaching all segments of the relevant labor pool and whether the agency's selection procedures allow all applicants to compete on a level playing field regardless of race, national origin, sex, or disability status. The voluntary responses are treated in a highly confidential manner and play no part in the job selection process. The information is not provided to any panel rating the applications, to selecting officials, to anyone who can affect the application, or to the public. Rather, the information is used in summary form to determine trends over many selections within a given occupational or organization area. No information from the form is entered into an official personnel file.

Burden Statement: The EEOC continues to estimate that an applicant is able to complete the form in approximately 3 minutes. Applicants have continued to predominantly use online application systems, which require only pointing and clicking on the selected responses to respond to the six questions regarding basic demographic information. For at least the last decade, EEOC has not received any comments questioning the estimated 3-minute completion time. Based on recent experience, we expect that 5,042 applicants will choose to complete the form for vacancies at EEOC annually.

Thus, we estimate the average annual burden to be: 252 hours. Over the course of the requested three-year approval period (2020–2023) EEOC estimates the applicant burden at 756 hours.

Once OMB approves the use of this common form, federal agencies may request OMB approval to use this common form without having to publish notices and request public comments for 60 and 30 days. Each agency must account for the burden associated with their use of the common form.

For the Commission.

Janet L. Dhillon,

Chair.

DEMOGRAPHIC INFORMATION ON APPLICANTS

OMB No.:

Expiration Date:

Vacancy Announcement No.:

Position Title:

Your Privacy Is Protected

This information is used to determine if our equal employment opportunity efforts are reaching all segments of the population, consistent with Federal equal employment opportunity laws. Responses to these questions are voluntary. Your responses will not be shown to the panel rating the applications, to the official selecting an applicant for a position, or to anyone else who can affect your application. This form will not be placed in your Personnel file nor will it be provided to your supervisors in your employing office should you be hired. The aggregate information collected through this form will be kept private to the extent permitted by law. See the Privacy

[1] This total is calculated as follows: 5,042 annual responses × 3 minutes per response = 15,126 minutes. 15,126/60 = 252 hours.

Act Statement below for more information.

Completion of this form is voluntary. No individual personnel selections are made based on this information. There will be no impact on your application if you choose not to answer any of these questions.

Thank you for helping us to provide better service.

1. How did you learn about this position? (Check One):

☐ Agency internet Site recruitment
☐ Private Employment website
☐ Other internet Site
☐ Job Fair
☐ Newspaper or magazine
☐ Agency or other Federal government on campus
☐ School or college counselor or other official
☐ Friend or relative working for this agency .
☐ Private Employment Office
☐ Agency Human Resources Department (bulletin board or other announcement)
☐ Federal, State, or Local Job Information Center
☐ Other

2. Sex (Check One):

☐ Male
☐ Female

3. Ethnicity (Check One):

☐ Hispanic or Latino—a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
☐ Not Hispanic or Latino

4. Race (Check all that apply):

☐ American Indian or Alaska Native—a person having origins in any of the original peoples of North or South America (including Central America), and who maintains tribal affiliation or community attachment.
☐ Asian—a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, or Vietnam.
☐ Black or African American—a person having origins in any of the black racial groups of Africa.
☐ Native Hawaiian or Other Pacific Islander—a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific islands.
☐ White—a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

5. Disability/Serious Health Condition

The next questions address disability and serious health conditions. Your responses will ensure that our outreach and recruitment policies are reaching a wide range of individuals with physical or mental conditions. Consider your answers without the use of medication and aids (except eyeglasses) or the help of another person.

A. Do you have any of the following? Check all boxes that apply to you:

☐ Deaf or serious difficulty hearing
☐ Blind or serious difficulty seeing even when wearing glasses
☐ Missing an arm, leg, hand, or foot
☐ Paralysis: Partial or complete paralysis (any cause)
☐ Significant Disfigurement: For example, severe disfigurements caused by burns, wounds, accidents, or congenital disorders
☐ Significant Mobility Impairment: For example, uses a wheelchair, scooter, walker or uses a leg brace to walk
☐ Significant Psychiatric Disorder: For example, bipolar disorder, schizophrenia, PTSD, or major depression
☐ Intellectual Disability (formerly described as mental retardation)
☐ Developmental Disability: For example, cerebral palsy or autism spectrum disorder
☐ Traumatic Brain Injury
☐ Dwarfism
☐ Epilepsy or other seizure disorder
☐ Other disability or serious health condition: For example, diabetes, cancer, cardiovascular disease, anxiety disorder, or HIV infection; a learning disability, a speech impairment, or a hearing impairment

If you did not select one of the options above, please indicate whether.

☐ None of the conditions listed above apply to me.
☐ I do not wish to answer questions regarding disability/health conditions.

If you have indicated that you have one of the above conditions, you may be eligible to apply under Schedule A Hiring Authority. For more information, please see *http://www.opm.gov/policy-data-oversight/disability-employment/hiring/#url=Schedule-A-Hiring-Authority*.

If an applicant checks the box for ''other disability or serious health condition,'' the applicant will be taken to Section A.1.

A.1. Other Disability or Serious Health Condition (Optional)

You indicated that you have a disability or a serious health condition. If you are willing, please select any of the conditions listed below that apply to you. As explained above, your responses will not be shown to the panel rating the applications, to the selecting official, or to anyone else who can affect your application. All responses will remain private to the extent permitted by law. See the Privacy Act Statement below for more information.

Please check all that apply:

☐ I do not wish to specify any condition.
☐ Alcoholism
☐ Cancer
☐ Cardiovascular or heart disease
☐ Crohn's disease, irritable bowel syndrome, or other gastrointestinal impairment
☐ Depression, anxiety disorder, or other psychological disorder
☐ Diabetes or other metabolic disease
☐ Difficulty seeing even when wearing glasses
☐ Hearing impairment
☐ History of drug addiction (but not currently using illegal drugs)
☐ HIV Infection/AIDS or other immune disorder
☐ Kidney dysfunction: for example, requires dialysis
☐ Learning disabilities or ADHD
☐ Liver disease: for example, hepatitis or cirrhosis
☐ Lupus, fibromyalgia, rheumatoid arthritis, or other autoimmune disorder
☐ Morbid obesity
☐ Nervous system disorder: for example, migraine headaches, Parkinson's disease, or multiple sclerosis
☐ Non-paralytic orthopedic impairments: for example, chronic pain, stiffness, weakness in bones or joints, or some loss of ability to use parts of the body
☐ Orthopedic impairments or osteo-arthritis
☐ Pulmonary or respiratory impairment: for example, asthma, chronic bronchitis, or TB
☐ Sickle cell anemia, hemophilia, or other blood disease
☐ Speech impairment
☐ Spinal abnormalities: for example, spina bifida or scoliosis
☐ Thyroid dysfunction or other endocrine disorder
☐ Other. Please identify the disability/health condition, if willing: _____

Privacy Act And Paperwork Reduction Act Statements

Privacy Act Statement: This Privacy Act Statement is provided pursuant to 5 U.S.C. 552a (commonly known as the Privacy Act of 1974). The authority for this form is 5 U.S.C. 7201, which provides that the Office of Personnel Management shall implement a minority recruitment program, by the Uniform Guidelines on Employee Selection Procedures, 29 CFR part 1607.4, which requires collection of demographic data to determine if a selection procedure has an unlawful disparate impact, and by Section 501 of the Rehabilitation Act of 1973, which requires federal agencies to prepare affirmative action plans for the hiring and advancement of people with disabilities. Data relating to an individual applicant are not provided to selecting officials. This form will be seen by Human Resource personnel in the Office of Personnel Management (who are not involved in considering an applicant for a particular job) and by Equal Employment Opportunity Commission officials who will receive aggregate, non-identifiable data from the Office of Personnel Management derived from this form.

Purpose and Routine Uses: The aggregate, non-identifiable information summarizing all applicants for a position will be used by the Office of Personnel Management and by the Equal Employment Opportunity Commission to determine if the executive branch of the Federal Government is effectively recruiting and selecting individuals from all segments of the population.

Effects of Nondisclosure: Providing this information is voluntary. No individual personnel selections are made based on this information. There will be no impact on your application if you choose not to answer any of these questions.

Paperwork Reduction Act Statement: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et. seq,) requires us to inform you that this information is being collected for planning and assessing affirmative employment program initiatives. Response to this request is voluntary. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The estimated burden of completing this form is five (5) minutes per response, including the time for reviewing instructions. Direct comments regarding the burden estimate or any other aspect of this form to [INSERT: Agency name and address] and to the Office of Management Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.

[FR Doc. 2020–09377 Filed 5–1–20; 8:45 am]

BILLING CODE 6570–01–P

FEDERAL COMMUNICATIONS COMMISSION

[GN Docket No. 18–122, DA 20–457; FRS 16710]

Wireless Telecommunications Bureau Seeks Comment on Preliminary Cost Category Schedule For 3.7–4.2 GHz Band Relocation Expenses

AGENCY: Federal Communications Commission.

ACTION: Notice; solicitation of comments.

SUMMARY: In this document, the Wireless Telecommunications Bureau (Bureau) invites interested parties to comment on the 3.7 GHz Transition Preliminary Cost Category Schedule of Potential Expenses and Estimated Costs (Cost Catalog). The Cost Catalog contains preliminary categories and estimates of expenses that incumbents may incur as they clear FSS operations from the 3.7–4.0 GHz portion of the band and Fixed Service operations from the entire 3.7–4.2 GHz band (C-band) to make the lower 280 megahertz available for flexible use. In *Expanding Flexible Use of the 3.7 to 4.2 GHz Band Report and Order,* GN Docket No. 18–122, Report and Order and Order of Proposed Modification, FCC 20–22 (Mar. 3, 2020) (*Order*), the Commission established that new 3.7 GHz Service licensees will reimburse reasonable relocation costs of incumbents to transition out of the band and directed the Wireless Telecommunications Bureau (Bureau) to establish a cost category schedule of the types of expenses that incumbents may incur.

DATES: Comments are due on or before May 12, 2020.

ADDRESSES: You may submit comments, identified by GN Docket No. 18–122, by any of the following methods:

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.U.S.
- Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. *See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy,* Public Notice, DA 20–304 (March 19, 2020). *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy.*
- During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

FOR FURTHER INFORMATION CONTACT: Susannah Larson, Wireless Telecommunications Bureau, at (202) 418–1883 or via email: *susannah.larson@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Public Notice, *Wireless Telecommunications Bureau Seeks Comment on Preliminary Cost Category Schedule For 3.7–4.2 GHz Band Relocation Expenses,* GN Docket No. 18–122, DA 20–457 (*Public Notice*), released on April 27, 2020. The *Public Notice* includes the following attachment: Attachment, 3.7 GHz Transition Preliminary Cost Category Schedule of Potential Expenses and Estimated Costs. The complete text of the *Public Notice,* including its attachment, is available on the Commission's website at *https://www.fcc.gov/document/wtb-seeks-comment-37-ghz-band-preliminary-cost-category* or by using the search function for GN Docket No. 18–122 on the Commission's ECFS web page at *www.fcc.gov/ecfs.*

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before the date indicated on the first page of this document.

People with Disabilities: To request materials in accessible formats for

people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Ex Parte Rules: This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenters written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b) of the Commission's rules. In proceedings governed by § 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml., .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Synopsis

In the *Order* (85 FR 22804 (April 23, 2020)), the Commission adopted rules to make 280 megahertz of mid-band spectrum available for flexible use, plus a 20 megahertz guard band throughout the contiguous United States by transitioning existing services out of the lower portion and into the upper 200 megahertz of the C-band. The *Order* established that new 3.7 GHz Service licensees will reimburse the reasonable relocation costs of eligible Fixed Satellite Service (FSS) space station operators, incumbent FSS earth station operators, and incumbent Fixed Service licensees (collectively, incumbents) to transition out of the band. To provide incumbents and new 3.7 GHz Service licensees with a range of reasonable transition costs, the *Order* directed the Bureau to establish a cost category schedule of the types of expenses that incumbents may incur. The *Order* provided for the creation of a Relocation Payment Clearinghouse to oversee the cost-related aspects of the transition, including by collecting relocation payments from overlay licensees and disbursing those payments to incumbents. In determining the reasonableness of costs for which incumbents seek reimbursement, the *Order* directed that the Relocation Payment Clearinghouse shall presume as reasonable all submissions that fall within the estimated range of costs in the final cost category schedule.

The Cost Catalog (included as an attachment to the *Public Notice*) contains categories and estimates of expenses that incumbents may incur as they clear FSS operations from the 3.7–4.0 GHz portion of the band and Fixed Service operations from the entire C-band to make the lower 280 megahertz available for flexible use. The Commission engaged a third-party contractor, RKF Engineering Solutions, LLC (RKF), to assist in identifying costs that incumbents might incur and to assist with the development of a cost category schedule. To compile the information needed for the preliminary Cost Catalog, RKF considered the *Order*'s initial relocation cost estimates, derived from comments and filings in the record, and conducted confidential interviews with a broad range of stakeholders, including satellite operators, earth station operators, Fixed Service licensees, and vendors. With this input from RKF, and in accordance with the Commission's directions, the Bureau has developed this Cost Catalog.

The Bureau seeks comment on the Cost Catalog, including whether the preliminary categories and estimated expenses for each are reasonable. Although the Cost Catalog represents an initial summary of estimated expenses that eligible incumbents may incur, the Bureau encourages commenters to identify any additional expense categories that they believe should be eligible for reimbursement and prices that should be associated with those categories. Does the Cost Catalog cover every situation? If not, what are additional situations that the Bureau should consider? For both the initial summary set out in the Cost Catalog and for any additions to the Cost Catalog that commenters may suggest, the Bureau is interested in obtaining information on specific prices, as well as more general information on the costs that incumbents expect to incur.

The Cost Catalog also contains preliminary categories of the various classes of earth stations that may choose to receive a lump sum payment in place of their actual reasonable relocation costs. The *Order* established that incumbent earth station operators may either accept (1) reimbursement for their actual reasonable relocation costs by maintaining satellite reception; or (2) a lump sum reimbursement ''based on the average, estimated costs of relocating all of their incumbent earth stations'' to the upper 200 megahertz of the C-band. The Bureau seeks comment on the preliminary categories provided in the Cost Catalog and whether they cover the relevant classes of earth stations. If not, what are additional relevant classes of earth stations that the Bureau should consider including? The Bureau also seeks comment on the appropriate lump sum amounts for each category, which will be based on the average estimated costs of relocation for that class of earth station. What are the specific costs and prices that should be included in the lump sum amount for each class of earth station? The Bureau will determine the final lump sum amounts according to the final estimated earth station transition costs in the final Cost Catalog. Consistent with the *Order,* the Bureau will publish the final lump sum amounts and provide instructions for making such an election, after considering the record compiled on the foregoing issues.

Amy Brett,

Associate Chief, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau.

[FR Doc. 2020–09496 Filed 5–1–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Federal Trade Commission (FTC or Commission) is seeking public comment on its proposal to extend for an additional three years the Office of

Management and Budget (OMB) clearance for information collection requirements in its Fuel Rating Rule (the Rule). The current clearance expires on July 31, 2020.

DATES: Comments must be received on or before July 6, 2020.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Fuel Rating Rule; PRA Comment: FTC File No. P072108'' on your comment, and file your comment online at *https://www.regulations.gov* by following the instructions on the web-based form. 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 J), 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 J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Hampton Newsome, Attorney, Division of Enforcement, Federal Trade Commission, Room CC–9528, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326–2889.

SUPPLEMENTARY INFORMATION:

Title: Fuel Rating Rule (the Rule), 16 CFR part 306.

OMB Control Number: 3084–0068.

Type of Review: Extension of a currently approved collection.

Likely Respondents:

(a) *Recordkeeping:* Refiners, Producers, Importers, Distributors, and Retailers of the Covered Fuel Types.

(b) *Disclosure:* Retailers of the Covered Fuel Types.

Estimated Annual Burden Hours: 32,907 (derived from 13,417 recordkeeping hours added to 19,490 disclosure hours).

Estimated Annual Labor Costs: $389,646.

Estimated Annual Capital or Other Non-labor Costs: $77,960.

Abstract:

The Fuel Rating Rule, 16 CFR part 306 (OMB Control Number: 3084–0068), establishes standard procedures for determining, certifying, and disclosing the octane rating of automotive gasoline and the automotive fuel rating of alternative liquid automotive fuels, as required by the Petroleum Marketing Practices Act. 15 U.S.C. 2822(a)-(c). The Rule also requires refiners, producers, importers, distributors, and retailers to retain records showing how the ratings were determined, including delivery tickets or letters of certification.

Under the PRA, 44 U.S.C. 3501–3521, the FTC is requesting that OMB renew the clearance for the PRA burden associated with the Rule.

Burden statement:

Estimated annual burden hours: 32,907 (derived from 13,417 recordkeeping hours added to 19,490 disclosure hours).

Recordkeeping: Based on industry sources, staff estimates that approximately 161,000 fuel industry members [1] each incur an average annual burden of approximately five minutes to ensure retention of relevant business records [2] for the period required by the Rule, resulting in a total of 13,417 hours.

Disclosure: Staff estimates that affected industry members incur an average burden of approximately one hour to produce, distribute, and post octane rating labels. Because the labels are durable, only about one of every eight industry member retailers (19,490 of 155,920 industry member retailers) incur this burden each year, resulting in a total annual burden of 19,490 hours.

Estimated annual labor costs: $389,646.

Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. Here, the average hourly wages of refiners, producers, distributors, and importers is $34.94.[3] The average hourly wages of retailers is $11.54.[4] The recordkeeping component, 13,417 hours, consists of approximately 423 hours for producers, distributors, and importers; and 12,994 hours for retailers. Thus, the total annual labor cost for recordkeeping is $164,731 ((423 hours × $34.94) + (12,994 hours × $11.54/hour)). The disclosure component, which concerns retailers, is approximately 19,490 hours. Thus, total annual labor cost for disclosure is $224,915 (19,490 hours × $11.54/hour).

Estimated annual non-labor costs: $77,960.

Staff believes that the Rule does not impose any capital costs for producers, importers, or distributors of fuels. Retailers, however, incur the cost of procuring and replacing fuel dispenser labels to comply with the Rule. Staff conservatively estimates that the price per automotive fuel label is two dollars and that the average automotive fuel retailer has six dispensers; thus, $12 labeling cost at inception per retailer.[5] Staff has previously estimated a dispenser useful life range of 6 to 10 years and, based on that, assumed a useful life of 8 years for labels, the mean of that range. Given that, replacement labeling will not be necessary for well beyond the relevant period at issue, *i.e.,* the immediate 3-year PRA clearance sought. However, conservatively annualizing the $12 labeling cost at inception per retailer over that shorter period rather than average useful life, annualized labeling cost per retailer will be $4. Cumulative labeling cost would thus be $77,960 (155,920 retailers × 1/8 [6] × $4 each, annualized).

Request for Comments

Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of maintaining records and providing disclosures to consumers. All comments must be received on or before July 6, 2020.

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before July 6, 2020. Write ''Fuel Rating

[1] Staff derived the number of fuel industry members by adding the number of refiners, producers, importers, distributors, and retailers of these types of fuel. Staff consulted government agencies and industry sources in estimating a population of approximately 161,000 fuel industry members, including 155,920 retailers of automotive fuel. Some of the government websites reviewed to update these numbers include: *http://www.eia.gov/dnav/pet/pet_pnp_cap1_dcu_nus_a.htm* (Gasoline Producers); *http://www.eia.gov/biofuels/biodiesel/production/* (Biodiesel Producers); *http://www.afdc.energy.gov/fuels/* (Alternative Fuel Stations); *http://www.nacsonline.com/YourBusiness/FuelsReports/2015/Documents/2015-NACS-Fuels-Report_full.pdf* (Petroleum Stations).

[2] Under the Fuel Rating Rule, refiners, producers, importers, distributors, and retailers of automotive fuel must retain, for one year, records of any delivery tickets, letters of certification, or tests upon which they based the automotive fuel ratings that they certify or post. *See* the Fuel Rating Rule's recordkeeping requirements, 16 CFR 306.7; 306.9; and 306.11.

[3] *See http://www.bls.gov/iag/tgs/iag211.htm#earnings* (Bureau of Labor Statistics, May 2019 Occupational Employment Statistics, Hourly mean wages for petroleum pump system operators, refinery operators, and gaugers).

[4] *See http://www.bls.gov/iag/tgs/iag447.htm* (Bureau of Labor Statistics, May 2019 Occupational Employment Statistics, Hourly mean wages for service station attendants).

[5] *See* 75 FR 12,470, 12,477 (Mar. 16, 2010) (proposed rulemaking) (estimating the price range per pump to be one to two dollars).

[6] On average, each label needs to be replaced once every 8 years. Annualizing this cost equates to ⅛ or 0.125.

Rule; PRA Comment: FTC File No. P072108'' on your comment. Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it through the *https://www.regulations.gov* website by following the instructions on the web-based form provided. Your comment—including your name and your state—will be placed on the public record of this proceeding, including the *https://www.regulations.gov* website.

If you file your comment on paper, write ''Fuel Rating Rule; PRA Comment: FTC File No. P072108'' 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 J), 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 J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the public record, 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 else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . . is privileged or confidential''—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

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,* 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.

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 July 6, 2020. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *https://www.ftc.gov/site-information/privacy-policy.*

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2020–09379 Filed 5–1–20; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

National Advisory Council for Healthcare Research and Quality: Request for Nominations for Members

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice of request for nominations for members.

SUMMARY: The National Advisory Council for Healthcare Research and Quality (the Council) is to advise the Secretary of HHS (Secretary) and the Director of the Agency for Healthcare Research and Quality (AHRQ) with respect to activities proposed or undertaken to carry out AHRQ's statutory mission. AHRQ produces evidence to make health care safer, higher quality, more accessible, equitable, and affordable, and to work within the U.S. Department of Health and Human Services and with other partners to make sure that the evidence is understood and used. Seven current members' terms will expire in November 2020.

DATES: Nominations should be received on or before 60 days after date of publication of this notice.

ADDRESSES: Nominations should be sent to Jaime Zimmerman, AHRQ, 5600 Fishers Lane, 06E37A, Rockville, Maryland 20857. Nominations may also be emailed to *NationalAdvisoryCouncil@ahrq.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Jaime Zimmerman, AHRQ, at (301) 427–1456.

SUPPLEMENTARY INFORMATION: 42 U.S.C. 299c provides that the Secretary shall appoint to the Council twenty-one appropriately qualified individuals. At least seventeen members shall be representatives of the public and at least one member shall be a specialist in the rural aspects of one or more of the professions or fields listed below. In addition, the Secretary designates, as *ex officio* members, representatives from other Federal agencies, principally agencies that conduct or support health care research, as well as Federal officials the Secretary may consider appropriate. 42 U.S.C. 299c(c)(3).

Seven current members' terms will expire in November 2020. To fill these positions, we are seeking individuals who: (1) Are distinguished in the conduct of research, demonstration projects, and evaluations with respect to health care; (2) are distinguished in the fields of health care quality research or health care improvement; (3) are distinguished in the practice of medicine; (4) are distinguished in other health professions; (5) represent the private health care sector (including health plans, providers, and purchasers) or are distinguished as administrators of health care delivery systems; (6) are distinguished in the fields of health care economics, information systems, law, ethics, business, or public policy; and (7) represent the interests of patients and consumers of health care. 42 U.S.C. 299c(c)(2). Individuals are particularly sought with experience and success in these activities. AHRQ will accept nominations to serve on the Council in a representative capacity.

The Council meets in the Washington, DC, metropolitan area, generally in Rockville, Maryland, approximately three times a year to provide broad guidance to the Secretary and AHRQ's Director on the direction of and programs undertaken by AHRQ.

Seven individuals will be selected by the Secretary to serve on the Council beginning with the meeting in the spring of 2021. Members generally serve 3-year terms. Appointments are

staggered to permit an orderly rotation of membership.

Interested persons may nominate one or more qualified persons for membership on the Council. Self-nominations are accepted. Nominations shall include: (1) A copy of the nominee's resume or curriculum vitae; and (2) a statement that the nominee is willing to serve as a member of the Council. Selected candidates will be asked to provide detailed information concerning their financial interests, consultant positions and research grants and contracts, to permit evaluation of possible sources of conflict of interest. Please note that once a candidate is nominated, AHRQ may consider that nomination for future positions on the Council.

The Department seeks a broad geographic representation. In addition, AHRQ conducts and supports research concerning priority populations, which include: low-income groups; minority groups; women; children; the elderly; and individuals with special health care needs, including individuals with disabilities and individuals who need chronic care or end-of-life health care. See 42 U.S.C. 299(c). Nominations of persons with expertise in health care for these priority populations are encouraged.

Dated: April 29, 2020.

Virginia L. Mackay-Smith,

Associate Director.

[FR Doc. 2020–09450 Filed 5–1–20; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2020–0049]

Advisory Committee on Immunization Practices (ACIP)

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting; request for comment.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC), announces the following meeting of the Advisory Committee on Immunization Practices (ACIP). This meeting is open to the public, limited only by the availability of telephone ports and webinar capacity. Time will be available for public comment. For more information on ACIP please visit the ACIP website: *http://www.cdc.gov/vaccines/acip/index.html.*

DATES: The meeting will be held on June 24, 2020, 8 a.m. to 5:00 p.m., EDT.

Written comments must be received on or before June 25, 2020.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2020–0049 by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Stephanie Thomas, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS A–27, Atlanta, GA 30329–4027, Attn: June ACIP Meeting

Instructions: All submissions received must include the Agency name and Docket Number. All relevant comments received in conformance with the *https://www.regulations.gov* suitability policy will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.* Written public comments submitted by 72 hours prior to the ACIP meeting will be provided to ACIP members before the meeting.

FOR FURTHER INFORMATION CONTACT: Stephanie Thomas, ACIP Committee Management Specialist, Centers for Disease Control and Prevention, National Center for Immunization and Respiratory Diseases, 1600 Clifton Road NE, Atlanta, GA 30329–4027; Telephone: 404–639–8367; Email: *ACIP@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The committee is charged with advising the Director, CDC, on the use of immunizing agents. In addition, under 42 U.S.C. 1396s, the committee is mandated to establish and periodically review and, as appropriate, revise the list of vaccines for administration to vaccine-eligible children through the Vaccines for Children (VFC) program, along with schedules regarding dosing interval, dosage, and contraindications to administration of vaccines. Further, under provisions of the Affordable Care Act, section 2713 of the Public Health Service Act, immunization recommendations of the ACIP that have been approved by the Director of the Centers for Disease Control and Prevention and appear on CDC immunization schedules must be covered by applicable health plans.

Public Participation

Interested persons or organizations are invited to participate by submitting written views, recommendations, and data. Comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted into the docket.

Oral Public Comment: This meeting will include time for members of the public to make oral comment. Oral public comment will occur before any scheduled votes including all votes relevant to the ACIP's Affordable Care Act and Vaccines for Children Program roles. Priority will be given to individuals who submit a request to make an oral public comment before the meeting according to the procedures below. All individuals interested in requesting to make an oral public comment must submit a request according to the instructions below.

Procedure for Oral Public Comment: All persons interested in making an oral public comment at the June ACIP meeting must submit a request at *http://www.cdc.gov/vaccines/acip/meetings/* no later than 11:59 p.m., EDT, June 10, 2020 according to the instructions provided.

If the number of persons requesting to speak is greater than can be reasonably accommodated during the scheduled time, CDC will conduct a lottery to determine the speakers for each scheduled public comment session. CDC staff will notify individuals regarding their request to speak by email by June 12, 2020. To accommodate the significant interest in participation in the oral public comment session of ACIP meetings, each speaker will be limited to 3 minutes, and each speaker may only speak once per meeting.

Written Public Comment: Written comments must be received on or before June 25, 2020.

Matters to be Considered: The agenda will include discussions on SARS–CoV–2(COVID–19) Vaccines, influenza vaccines, and meningococcal vaccines.

A recommendation vote is scheduled for influenza vaccines and a VFC vote is schedule for meningococcal vaccines. Agenda items are subject to change as priorities dictate. For more information on the meeting agenda visit *https://www.cdc.gov/vaccines/acip/meetings/meetings-info.html.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 28, 2020.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2020–09403 Filed 5–1–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2020–0050]

Advisory Board on Radiation and Worker Health

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting and request for comment.

SUMMARY: In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting of the Advisory Board on Radiation and Worker Health (ABRWH). This meeting is open to the public, but without an oral public comment period. The public is welcome to listen to the meeting by joining the audio conference (information below). The audio conference line has 150 ports for callers.

DATES: The meeting will be held on June 24, 2020, 11 a.m. to 1 p.m., EDT.

Written comments must be received on or before June 18, 2020.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2020–0050 by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Rashaun Roberts, Ph.D., Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS C–24, Atlanta, GA 30329–4027, Attn: ABRWH Meeting.

Instructions: All submissions received must include the Agency name and Docket Number. All relevant comments received in conformance with the *https://www.regulations.gov* suitability policy will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.*

Meeting information: The USA toll-free dial-in number is 1–866–659–0537; the pass code is 9933701.

FOR FURTHER INFORMATION CONTACT: Rashaun Roberts, Ph.D., Designated Federal Officer, NIOSH, CDC, 1090 Tusculum Avenue, Mailstop C–24, Cincinnati, Ohio 45226, Telephone (513) 533–6800, Toll Free 1(800)CDC–INFO, Email *ocas@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines which have been promulgated by the Department of Health and Human Services (HHS) as a final rule, advice on methods of dose reconstruction which have also been promulgated by HHS as a final rule, advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program, and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC). In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to the CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, and rechartered under Executive Order 13889 on March 22, 2020, and will terminate on March 22, 2022.

Purpose: This Advisory Board is charged with (a) providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advising the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

Public Participation

Written Public Comment: The public is welcome to submit written comments in advance of the meeting. Comments should be submitted on or before June 18, 2020. All requests must contain the name, address, and organizational affiliation of the individual, as well as the topic being addressed. Written comments should not exceed one single-spaced typed page in length. Written comments received in advance of the meeting will be included in the official record of the meeting.

Comments received, including attachments and other supporting materials, are part of the public record and are subject to public disclosure. Comments will be posted on *https://www.regulations.gov.* Therefore, do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure. If you include your name, contact information, or other information that identifies you in the body of your comments, that information will be on public display. CDC will review all submissions and may choose to redact, or withhold, submissions containing private or proprietary information such as Social Security numbers, medical information, inappropriate language, or duplicate/near duplicate examples of a mass-mail campaign. CDC will carefully consider all comments submitted to the docket.

Matters to be Considered: The agenda will include discussions on: Work Group and Subcommittee Reports; Update on the Status of SEC Petitions; Plans for the August 2020 Advisory Board Meeting; and Advisory Board Correspondence. Agenda items are subject to change as priorities dictate.

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 28, 2020.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2020–09400 Filed 5–1–20; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1724–N]

Medicare Program; Public Meeting on June 22, 2020 Regarding New and Reconsidered Clinical Diagnostic Laboratory Test Codes for the Clinical Laboratory Fee Schedule for Calendar Year 2021

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a virtual public meeting to receive comments and recommendations (including data on which recommendations are based) on the appropriate basis for establishing payment amounts for new or substantially revised Healthcare Common Procedure Coding System codes being considered for Medicare payment under the Clinical Laboratory Fee Schedule (CLFS) for calendar year (CY) 2021. This meeting also provides a forum for those who submitted certain reconsideration requests regarding final determinations made last year on new test codes and for the public to provide comment on the requests.

DATES:

CLFS Annual Public Meeting Date: The virtual meeting is scheduled for Monday, June 22, 2020 from 8:30 a.m. to 5:00 p.m., Eastern Daylight Time (E.D.T.)

Deadline for Submission of Presentations and Written Comments: All presenters for the CLFS Annual Public Meeting must register and submit their presentations electronically to our CLFS dedicated email box, *CLFS_Annual_Public_Meeting@cms.hhs.gov,* by June 4, 2020 at 5:00 p.m., E.D.T. All written comments (non-presenter comments) must also be submitted electronically to our CLFS dedicated email box, *CLFS_Annual_Public_Meeting@cms.hhs.gov,* by June 4, 2020, 5:00 p.m., E.D.T. Any presentations or written comments received after that date and time will not be included in the meeting and will not be reviewed.

Deadline for Submitting Requests for Special Accommodations: Requests for special accommodations must be received no later than June 4, 2020 at 5:00 p.m. E.D.T.

Publication of Proposed Determinations: We intend to publish our proposed determinations for new test codes and our preliminary determinations for reconsidered codes (as described later in section II ''Format'' of this notice) for CY 2021 by early September 2020.

Deadline for Submission of Written Comments Related to Proposed Determinations: Comments in response to the preliminary determinations will be due by early October 2020.

ADDRESSES: Due to the current COVID–19 public health emergency, the CLFS Annual Public Meeting will be held *virtually* and *will not* occur at the campus of the Centers for Medicare & Medicaid Services (CMS), Central Building, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Where to Submit Written Comments: Interested parties should submit all written comments on presentations and preliminary determinations to the address specified in this section of this notice or electronically to our CLFS dedicated email box, *CLFS_Annual_Public_Meeting@cms.hhs.gov* (the specific date for the publication of these determinations and the deadline for submitting comments regarding these determinations will be published on the CMS website).

FOR FURTHER INFORMATION CONTACT: Rasheeda Arthur, Ph.D., (410) 786–3434. Submit all inquiries to the CLFS dedicated email box, *CLFS_Annual_Public_Meeting@cms.hhs.gov* with the subject entitled ''CLFS Annual Public Meeting Inquiry.''

SUPPLEMENTARY INFORMATION:

I. Background

Section 531(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106–554) required the Secretary of the Department of Health and Human Services (the Secretary) to establish procedures for coding and payment determinations for new clinical diagnostic laboratory tests under Part B of title XVIII of the Social Security Act (the Act) that permit public consultation in a manner consistent with the procedures established for implementing coding modifications for International Classification of Diseases Tenth Revision, Clinical Modification (ICD–10–CM). The procedures and Clinical Laboratory Fee Schedule (CLFS) public meeting announced in this notice for new tests are in accordance with the procedures published on November 23, 2001 in the **Federal Register** (66 FR 58743) to implement section 531(b) of BIPA.

Section 942(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173) added section 1833(h)(8) of the Act. Section 1833(h)(8)(A) of the Act requires the Secretary to establish by regulation procedures for determining the basis for, and amount of, payment for any clinical diagnostic laboratory test (CDLT) for which a new or substantially revised Healthcare Common Procedure Coding System code is assigned on or after January 1, 2005. A code is considered to be substantially revised if there is a substantive change to the definition of the test or procedure to which the code applies (for example, a new analyte or a new methodology for measuring an existing analyte-specific test). (See section 1833(h)(8)(E)(ii) of the Act and 42 CFR 414.502).

Section 1833(h)(8)(B) of the Act sets forth the process for determining the basis for, and the amount of, payment for new tests. Pertinent to this notice, sections 1833(h)(8)(B)(i) and (ii) of the Act require the Secretary to make available to the public a list that includes any such test for which establishment of a payment amount is being considered for a year and, on the same day that the list is made available, cause to have published in the **Federal Register** notice of a meeting to receive comments and recommendations (including data on which recommendations are based) from the public on the appropriate basis for establishing payment amounts for the tests on such list. This list of codes for which the establishment of a payment amount under the CLFS is being considered for Calendar Year (CY) 2021 will be posted on the Centers for Medicare & Medicaid Services (CMS) website concurrent with the publication of this notice and may be updated prior to the CLFS Annual Public Meeting. The CLFS Annual Public Meeting list of codes can be found on the CMS website at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/index.html?redirect=/ClinicalLabFeeSched/.* Section 1833(h)(8)(B)(iii) of the Act requires that we convene the public meeting not less than 30 days after publication of the notice in the **Federal Register**. The CLFS requirements regarding public consultation are codified at 42 CFR 414.506.

Two bases of payment are used to establish payment amounts for new CDLTs. The first basis, called ''crosswalking,'' is used when a new CDLT is determined to be comparable to an existing test, multiple existing test codes, or a portion of an existing test code. New CDLTs that were assigned new or substantially revised codes prior to January 1, 2018, are subject to provisions set forth under § 414.508(a). For a new CDLT that is assigned a new or significantly revised code on or after January 1, 2018, CMS assigns to the new CDLT code the payment amount established under § 414.507 of the comparable existing CDLT. Payment for the new CDLT code is made at the payment amount established under § 414.507 (See § 414.508(b)(1)).

The second basis, called ''gapfilling,'' is used when no comparable existing CDLT is available. When using this method, instructions are provided to each Medicare Administrative Contractor (MAC) to determine a payment amount for its Part B geographic area for use in the first year. In the first year, for a new CDLT that is assigned a new or substantially revised code on or after January 1, 2018, the MAC-specific amounts are established using the following sources of information, if available: (1) Charges for the test and routine discounts to charges; (2) resources required to perform the test; (3) payment amounts determined by other payers; (4) charges, payment amounts, and resources required for other tests that may be comparable or otherwise relevant; and (5) other criteria CMS determines appropriate. In the second year, the test code is paid at the median of the MAC-specific amounts (See § 414.508(b)(2)).

Under section 1833(h)(8)(B)(iv) of the Act and § 414.506(d)(1) CMS, taking into account the comments and recommendations (and accompanying data) received at the CLFS Annual Public Meeting, develops and makes available to the public a list of proposed determinations with respect to the appropriate basis for establishing a payment amount for each code, an explanation of the reasons for each determination, the data on which the determinations are based, and a request for public written comments on the proposed determinations. Under section 1833(h)(8)(B)(v) of the Act and § 414.506(d)(2), taking into account the comments received on the proposed determinations during the public comment period, CMS then develops and makes available to the public a list of final determinations of payment amounts for tests along with the rationale for each determination, the data on which the determinations are based, and responses to comments and suggestions received from the public.

Section 216(a) of the Protecting Access to Medicare Act of 2014 (PAMA) (Pub. L. 113–93) added section 1834A to the Act. The statute requires extensive revisions to the Medicare payment, coding, and coverage requirements for CDLTs. Pertinent to this notice, section 1834A(c)(3) of the Act requires the Secretary to consider recommendations from the expert outside advisory panel established under section 1834A(f)(1) of the Act when determining payment using crosswalking or gapfilling processes. In addition, section 1834A(c)(4) of the Act requires the Secretary to make available to the public an explanation of the payment rates for the new test codes, including an explanation of how the gapfilling criteria and panel recommendations are applied. These requirements are codified in § 414.506(d) and (e).

After the final determinations have been posted on the CMS website, the public may request reconsideration of the basis and amount of payment for a new CDLT as set forth in § 414.509. Pertinent to this notice, those requesting that we reconsider the basis for payment or the payment amount as set forth in § 414.509(a) and (b), may present their reconsideration requests at the following year's CLFS Annual Public Meeting provided the requestor made the request to present at the CLFS Annual Public Meeting in the written reconsideration request. For purposes of this notice, we refer to these codes as the ''reconsidered codes.'' The public may comment on the reconsideration requests. (See the CY 2008 Physician Fee Schedule final rule with comment period published in the **Federal Register** on November 27, 2007 (72 FR 66275 through 66280) for more information on these procedures).

II. Format

We are following our usual process, including an annual public meeting to determine the appropriate basis and payment amount for new and reconsidered codes under the CLFS for CY 2021. However, due to the COVID–19 public health emergency, the public meeting will be conducted virtually and will not occur on-site at the CMS Central Building.

This meeting is still open to the public. Registration is only required for those interested in presenting public comments during the meeting. During the virtual meeting, registered persons from the public may discuss and make recommendations for specific new and reconsidered codes for the CY 2021 CLFS.

The Medicare Advisory Panel on Clinical Diagnostic Laboratory Tests (Advisory Panel on CDLTs) will participate in this CLFS Annual Public Meeting by gathering information and asking questions to presenters, and will hold its next public meeting, virtually on July 29 and 30, 2020. The public meeting for the Advisory Panel on CDLTs will focus on the discussion of and recommendations for test codes presented during the June 22, 2020 CLFS Annual Public Meeting. The Panel meeting also will address any other CY 2021 CLFS issues that are designated in the Panel's charter and specified on the meeting agenda. The announcement for the next meeting of the Advisory Panel on CDLTs is included in a separate notice published elsewhere in this issue of the **Federal Register**.

Due to time constraints, presentations must be brief and last no longer than 10 minutes. Written presentations must be electronically submitted to CMS on or before June 4, 2020. Presentation slots will be assigned on a first-come, first-served basis. In the event there is not enough time for presentations by everyone who is interested in presenting, we will only accept written presentations from those who submitted written presentation within the submission window and were unable to present due to time constraints. Presentations should be sent via email to our CLFS dedicated email box, *CLFS_Annual_Public_Meeting@cms.hhs.gov.* In addition, individuals may also submit requests after the CLFS Annual Public Meeting to obtain electronic versions of the presentations. Requests for electronic copies of the presentations after the public meeting should be sent via email to our CLFS dedicated email box, noted above.

Presenters are required to submit all presentations using a standard PowerPoint template that is available on the CMS website, at *https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/Laboratory_Public_Meetings.html,* under the ''Meeting Notice and Agenda'' heading.

For reconsidered and new codes, presenters should address all of the following five items:

(1) Reconsidered or new code(s) with the most current code descriptor.

(2) Test purpose and method with a brief comment on how the new test is different from other similar analyte or methodologies found in tests already on the CLFS.

(3) Test costs.

(4) Charges.

(5) Recommendation with rationale for one of the two bases (crosswalking or gapfilling) for determining payment for reconsidered and new tests.

In addition, presenters should provide the data on which their recommendations are based. Presentations regarding reconsidered and new test codes that do not address the above five items for presenters may be considered incomplete and may not be considered by CMS when making a determination. However, we may request missing information following the meeting to prevent a recommendation from being considered incomplete.

Taking into account the comments and recommendations (and accompanying data) received at the CLFS Annual Public Meeting, we intend to post our proposed determinations with respect to the appropriate basis for establishing a payment amount for each new test code and our preliminary determinations with respect to the reconsidered codes along with an explanation of the reasons for each determination, the data on which the determinations are based, and a request for public written comments on these determinations on our website by early September 2020. This website can be accessed at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/index.html?redirect=/ClinicalLabFeeSched/.* Interested parties may submit written comments on the preliminary determinations for new and reconsidered codes by early October 2020, to the address specified in the **ADDRESSES** section of this notice or electronically to our CLFS dedicated email box, *CLFS_Annual_Public_Meeting@cms.hhs.gov* (the specific date for the publication of the determinations on the CMS website, as well as the deadline for submitting comments regarding the determinations, will be published on the CMS website). Final determinations for new test codes to be included for payment on the CLFS for CY 2021 and reconsidered codes will be posted our website in November 2020, along with the rationale for each determination, the data on which the determinations are based, and responses to comments and suggestions received from the public. The final determinations with respect to reconsidered codes are not subject to further reconsideration. With respect to the final determinations for new test codes, the public may request reconsideration of the basis and amount of payment as set forth in § 414.509.

III. Registration Instructions

The Division of Ambulatory Services in the CMS Center for Medicare is coordinating the CLFS Annual Public Meeting registration. Beginning May 1, 2020 and ending June 4, 2020, registration may be completed only by presenters. Individuals who intend to view and/or listen to the meeting do not need to register. Presenter registration may be completed by sending an email to our CLFS dedicated email box, *CLFS_Annual_Public_Meeting@cms.hhs.gov.* The subject of the email should state ''Presenter Registration for CY 2021 CLFS Annual Laboratory Meeting.'' All of the following information must be submitted when registering:

- Speaker name.
- Organization or company name.
- Telephone numbers.
- Email address that will be used by the presenter in order to connect to the virtual meeting.
- New or Reconsidered Code (s) for which presentation is being submitted.
- Presentation.

Registration details may not be revised once they are submitted. If registration details require changes, a new registration entry must be submitted by the date specified in the **DATES** section of this notice. In addition, registration information must reflect individual-level content and not reflect an organization entry. Also, each individual may only register one person at a time. That is, one individual may not register multiple individuals at the same time.

When registering, individuals must also specify the new or reconsidered test codes on which they will be presenting comments. A confirmation email will be sent upon receipt of the registration. The email will provide information to the presenter in preparation for the meeting. Registration is only required for individuals giving a presentation during the meeting. Presenters must register by the deadline specified in the **DATES** section of this notice.

If you are not presenting during the CLFS Annual Public Meeting, you may view the meeting via webinar or listen-only by teleconference. If you would like to listen to or view the meeting, teleconference dial-in and webinar information will appear on the final CLFS Annual Public Meeting agenda, which will be posted on the CMS website when available at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/index.html?redirect=/ClinicalLabFeeSched/.*

VI. Special Accommodations

Individuals viewing or listening to the meeting who are hearing or visually impaired and have special requirements, or a condition that requires special assistance, should send an email to the resource box (*CDLT_Annual_Public_Meeting@cms.hhs.gov*). The deadline for submitting this request is listed in the **DATES** section of this notice.

VII. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Seema Verma, having reviewed and approved this document, authorizes Evell J. Barco Holland, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: April 28, 2020.

Evell J. Barco Holland,

Federal Register Liaison, Department of Health and Human Services.

[FR Doc. 2020–09390 Filed 5–1–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3386–PN2]

Medicare Program; Application From The Compliance Team for Initial CMS Approval of its Home Infusion Therapy Accreditation Program

AGENCY: Centers for Medicare and Medicaid Services, HHS.

ACTION: Notice with request for comment.

SUMMARY: This proposed notice acknowledges the receipt of an application from The Compliance Team (TCT) for initial recognition as a national accrediting organization for suppliers of home infusion therapy services that wish to participate in the Medicare program. The statute requires that within 60 days of receipt of an organization's complete application, we publish a notice that identifies the

national accrediting body making the request, describes the nature of the request, and provides at least a 30-day public comment period.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on June 3, 2020.

ADDRESSES: In commenting, please refer to file code CMS–3386–PN2.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov*. Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3386–PN2, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3386–PN2, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT:

Christina Mister-Ward, (410) 786–2441.

Shannon Freeland, (410) 786–4348.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: *http://www.regulations.gov*. Follow the search instructions on that website to view public comments.

I. Background

Home infusion therapy (HIT) is a treatment option for Medicare beneficiaries with a wide range of acute and chronic conditions. Section 5012 of the 21st Century Cures Act (Pub. L. 114–255, enacted December 13, 2016) added section 1861(iii) to the Social Security Act (the Act), establishing a new Medicare benefit for HIT services. Section 1861(iii)(1) of the Act defines ''home infusion therapy'' as professional services, including nursing services; training and education not otherwise covered under the Durable Medical Equipment (DME) benefit; remote monitoring; and other monitoring services. Home infusion therapy must be furnished by a qualified HIT supplier and furnished in the individual's home. The individual must:

- Be under the care of an applicable provider (that is, physician, nurse practitioner, or physician assistant); and
- Have a plan of care established and periodically reviewed by a physician in coordination with the furnishing of home infusion drugs under Part B, that prescribes the type, amount, and duration of infusion therapy services that are to be furnished.

Section 1861(iii)(3)(D)(i)(III) of the Act requires that a qualified HIT supplier be accredited by an accrediting organization (AO) designated by the Secretary in accordance with section 1834(u)(5) of the Act. Section 1834(u)(5)(A) of the Act identifies factors for designating AOs and in reviewing and modifying the list of designated AOs. These statutory factors are as follows:

- The ability of the organization to conduct timely reviews of accreditation applications.
- The ability of the organization take into account the capacities of suppliers located in a rural area (as defined in section 1886(d)(2)(D) of the Act).
- Whether the organization has established reasonable fees to be charged to suppliers applying for accreditation.
- Such other factors as the Secretary determines appropriate.

Section 1834(u)(5)(B) of the Act requires the Secretary to designate AOs to accredit HIT suppliers furnishing HIT not later than January 1, 2021. Section 1861(iii)(3)(D)(i)(III) of the Act requires a ''qualified home infusion therapy supplier'' to be accredited by a CMS-approved AO, under section 1834(u)(5) of the Act.

On March 1, 2019, we published a solicitation notice entitled, ''Solicitation of Independent Accrediting Organizations To Participate in the Home Infusion Therapy Supplier Accreditation Program'' (84 FR 7057). This notice informed national AOs that accredit HIT suppliers of an opportunity to submit applications to participate in the HIT supplier accreditation program. We stated that complete applications would be considered for the January 1, 2021 designation deadline if received by February 1, 2020.

Regulations for the approval and oversight of AOs for HIT organizations are located at 42 CFR part 488, subpart L. The requirements for HIT suppliers are located at 42 CFR part 486, subpart I.

II. Approval of Accreditation Organizations

Section 1834(u)(5) of the Act and the regulations at § 488.1010 require that our findings concerning review and approval of a national AO's requirements consider, among other factors, the applying AO's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide us with the necessary data.

Section 488.1020(a) requires that we publish, after receipt of an organization's complete application, a notice identifying the national accrediting body making the request, describing the nature of the request, and providing at least a 30-day public comment period. In accordance with § 488.1010(d), we have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of The Compliance Team's (TCT's) initial request for our approval of its HIT accreditation program. This notice also solicits public comment on whether TCT's requirements meet or exceed the Medicare conditions of participation for HIT services.

III. Evaluation of Deeming Authority Request

TCT submitted all the necessary materials to enable us to make a determination concerning its request for initial approval of its HIT accreditation program. This application was determined to be complete on March 4, 2020. Under section 1834(u)(5) of the Act and § 488.1010 (Application and re-application procedures for national HIT AOs), our review and evaluation of TCT will be conducted in accordance with, but not necessarily limited to, the following factors:

- The equivalency of TCT's standards for HIT as compared with CMS' HIT conditions for certification.
- TCT's survey process to determine the following:

++ The composition of the survey team, surveyor qualifications, and the

ability of the organization to provide continuing surveyor training.

++ The comparability of TCT's to our standards and processes, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

++ TCT's processes and procedures for monitoring a HIT supplier found out of compliance with TCT's program requirements.

++ TCT's capacity to report deficiencies to the surveyed supplier and respond to the suppliers' plan of correction in a timely manner.

++ TCT's capacity to provide us with electronic data and reports necessary for effective assessment and interpretation of the organization's survey process.

++ The adequacy of TCT's staff and other resources, and its financial viability.

++ TCT's capacity to adequately fund required surveys.

++ TCT's policies with respect to whether surveys are announced or unannounced, to assure that surveys are unannounced.

++ TCT's agreement to provide us with a copy of the most current accreditation survey together with any other information related to the survey as we may require (including corrective action plans).

• TCT's agreement or policies for voluntary and involuntary termination of suppliers.

• TCT agreement or policies for voluntary and involuntary termination of the HIT AO program.

• TCT's policies and procedures to avoid conflicts of interest, including the appearance of conflicts of interest, involving individuals who conduct surveys or participate in accreditation decisions

IV. Collection of Information Requirements

This document does not impose information collection and requirements, that is, reporting, recordkeeping or third party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

V. Response to Public Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

Upon completion of our evaluation, including evaluation of comments received as a result of this notice, we will publish a final notice in the **Federal Register** announcing the result of our evaluation.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Seema Verma, having reviewed and approved this document, authorizes Evell J. Barco Holland, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: April 21, 2020.

Evell J. Barco Holland,

Federal Register Liaison, Department of Health and Human Services.

[FR Doc. 2020–09393 Filed 5–1–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10287 and CMS–10540]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by July 6, 2020.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10287 Medicare Quality of Care Complaint Form

CMS–10540 Quality Improvement Strategy Implementation Plan and Progress Report Form

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. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or

provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Quality of Care Complaint Form; *Use:* Since 1986, Quality Improvement Organizations (QIO) have been responsible for conducting appropriate reviews of written complaints submitted by beneficiaries about the quality of care they have received. In order to receive these written complaints, each QIO has developed its own unique form on which beneficiaries can submit their complaints. CMS has initiated several efforts aimed at increasing the standardization of all QIO activities, and the development of a single, standardized Medicare Quality of Care Complaint Form beneficiaries can use to submit complaints is a key step towards attaining this increased standardization. The Medicare Quality of Care Complaint Form has been revised to improve its content, in order to provide clarity and support to beneficiaries. Section two of the form was updated to replace the Health Insurance Claim Number (HICN) with the current Medicare Beneficiary Identifier (MBI), a randomly generated number that replaced the SSN-based HICN. The information page of the form was revised to provide clear instruction as to how to complete the form and the implication of not providing certain requested information. *Form Number:* CMS–10287 (OMB control number: 0938–1102); *Frequency:* Occasionally; *Affected Public:* Individuals and Households; *Number of Respondents:* 4,350; *Total Annual Responses:* 4,350; *Total Annual Hours:* 725. (For policy questions regarding this collection contact Peter Ajuonuma at 410–786–3580.)

2. *Type of Information Collection Request:* Revision; *Title of Information Collection:* Quality Improvement Strategy Implementation Plan and Progress Report Form; *Use:* Section 1311(c)(1)(E) of the Affordable Care Act requires qualified health plans (QHPs) offered through an Exchange must implement a quality improvement strategy (QIS) as described in section 1311(g)(1). Section 1311(g)(3) of the Affordable Care Act specifies the guidelines under Section 1311(g)(2) shall require the periodic reporting to the applicable Exchange the activities that a qualified health plan has conducted to implement a strategy which is described as a payment structure providing increased reimbursement or other incentives for improving health outcomes of plan enrollees, implementing activities to prevent hospital readmissions, improving patient safety and reducing medical errors, promoting wellness and health, and/or implementing activities to reduce health and health care disparities. CMS has created a separation of the QIS form into a separate Implementation Plan, Progress Report and Modification Summary which is intended to decrease overall burden on issuers. With these separate forms, issuers would no longer need to complete and resubmit an Implementation Plan every year (which is currently the process). Issuers would only submit the Implementation Plan form in the first year of a QIS, and then issuers would submit the Progress Report form in each subsequent year (with the Modification Summary Supplement as necessary). This adjustment will eliminate the need for issuers to enter and submit unchanged data, and allow them to focus their time on reporting new progress achieved for the QIS.

The QIS form will allow: (1) The Department of Health & Human Services (HHS) to evaluate the compliance and adequacy of QHP issuers' quality improvement efforts, as required by Section 1311(c) of the Affordable Care Act, and (2) HHS will use the issuers' validated information to evaluate the issuers' quality improvement strategies for compliance with the requirements of Section 1311(g) of the Affordable Care Act. *Form Number:* CMS–10540 (OMB Control Number: 0938–1286) *Frequency:* Monthly, Annual; *Affected Public:* Private Sector; *Number of Respondents:* 250; *Number of Responses:* 250; *Total Annual Hours:* 11,000. (For policy questions regarding this collection, contact Nidhi Singh-Shah at 301–492–5110.)

Dated: April 29, 2020.

William N. Parham, III,

Director,Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2020–09452 Filed 5–1–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1743–N]

Medicare Program; Meeting Announcement for the Medicare Advisory Panel on Clinical Diagnostic Laboratory Tests

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the virtual public meeting dates for the Medicare Advisory Panel on Clinical Diagnostic Laboratory Tests (the Panel) on Wednesday, July 29, 2020 and Thursday, July 30, 2020. The purpose of the Panel is to advise the Secretary of the Department of Health and Human Services and the Administrator of the Centers for Medicare & Medicaid Services on issues related to clinical diagnostic laboratory tests.

DATES:

Meeting Dates: The virtual meeting of the Panel is scheduled for Wednesday, July 29, 2020 from 8:30 a.m. to 5:00 p.m., Eastern Daylight Time (E.D.T.) and Thursday, July 30, 2020, from 8:30 a.m. to 5:00 p.m., E.D.T. The Panel is also expected to virtually participate in the Clinical Laboratory Fee Schedule (CLFS) Annual Public Meeting for Calendar Year (CY) 2021 on June 22, 2020 in order to gather information and ask questions to presenters. Notice of the CLFS Annual Public Meeting for CY 2021 is published elsewhere in this issue of the **Federal Register**.

Deadline Date for Registration: All stand-by speakers for the Panel meeting must register electronically to our Clinical Diagnostic Laboratory Test (CDLT) Panel dedicated email box, *CDLTPanel@cms.hhs.gov.* Registration is not required for non-speakers. The public may view this meeting via webinar, or listen-only via teleconference.

Webinar and Teleconference Meeting Information: Teleconference dial-in instructions, and related webinar details will be posted on the meeting agenda, which will be available on the CMS website approximately 2 weeks prior to the meeting at *https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html.* A preliminary agenda is described in section II of this notice.

ADDRESSES: Due to the current COVID–19 public health emergency, the Panel

meeting will be held *virtually* and *will not* occur at the campus of the Centers for Medicare & Medicaid Services (CMS), Central Building, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

FOR FURTHER INFORMATION CONTACT: Rasheeda Arthur, Ph.D., (410) 786–3434, email *CDLTPanel@cms.hhs.gov*. Press inquiries are handled through the CMS Press Office at (202) 690–6145. For additional information on the Panel, please refer to the CMS website at *https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html*.

SUPPLEMENTARY INFORMATION:

I. Background

The Medicare Advisory Panel on Clinical Diagnostic Laboratory Tests (the Panel) is authorized by section 1834A(f)(1) of the Social Security Act (the Act) (42 U.S.C. 1395m-1), as established by section 216(a) of the Protecting Access to Medicare Act of 2014 (PAMA) (Pub. L. 113–93), enacted on April 1, 2014. The Panel is subject to the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory panels.

Section 1834A(f)(1) of the Act directs the Secretary of the Department of Health and Human Services (the Secretary) to consult with an expert outside advisory panel established by the Secretary, composed of an appropriate selection of individuals with expertise in issues related to clinical diagnostic laboratory tests, which may include the development, validation, performance, and application of such tests. Such individuals may include molecular pathologists, researchers, and individuals with expertise in laboratory science or health economics.

The Panel will provide input and recommendations to the Secretary and the Administrator of the Centers for Medicare & Medicaid Services (CMS), on the following:

- The establishment of payment rates under section 1834A of the Act for new clinical diagnostic laboratory tests, including whether to use ''crosswalking'' or ''gapfilling'' processes to determine payment for a specific new test.
- The factors used in determining coverage and payment processes for new clinical diagnostic laboratory tests.
- Other aspects of the new payment system under section 1834A of the Act.

A notice announcing the establishment of the Panel and soliciting nominations for members was published in the October 27, 2014 **Federal Register** (79 FR 63919 through 63920). In the August 7, 2015 **Federal Register** (80 FR 47491), we announced membership appointments to the Panel along with the first public meeting date for the Panel, which was held on August 26, 2015. Subsequent meetings of the Panel and membership appointments were also announced in the **Federal Register**.

II. Agenda

The Agenda for the July 29 and July 30, 2020 Panel meeting will provide for discussion and comment on the following topics as designated in the Panel's charter:

- Calendar Year (CY) 2021 Clinical Laboratory Fee Schedule (CLFS) new and reconsidered test codes, which will be posted on the CMS website at *https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ClinicalLabFeeSched/Laboratory_Public_Meetings.html*.
- Other CY 2021 CLFS issues designated in the Panel's charter and further described on our Agenda.

A detailed Agenda will be posted approximately 2 weeks before the meeting, on the CMS website at *https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html*. The Panel will make recommendations to the Secretary and the Administrator of CMS regarding crosswalking and gapfilling for new and reconsidered laboratory tests discussed during the CLFS Annual Public Meeting for CY 2021. The Panel will also provide input on other CY 2021 CLFS issues that are designated in the Panel's charter and specified on the meeting agenda.

III. Meeting Participation

This meeting is open to the public. Stand-by speakers may participate in the meeting via teleconference and webinar. A stand-by speaker is an individual who will speak on behalf of a company or organization if the Panel has any questions during the meeting about technical information described in the public comments or presentation previously submitted or presented by the organization or company at the recent Clinical Laboratory Fee Schedule (CLFS) Annual Public Meeting for CY 2021 on June 22, 2020. The public may also view or listen-only to the meeting via teleconference and webinar.

IV. Registration Instructions for Stand-By Speakers

Beginning Friday, May 1, 2020 and ending Wednesday, July 1, 2020 at 5:00 p.m. E.D.T., registration to serve as a stand-by speaker may be completed by sending an email to the following resource box *CDLTPanel@cms.hhs.gov*. The subject of the email should state ''Stand-by Speaker Registration for CDLT Panel Meeting.'' In the email, all of the following information must be submitted when registering:

- Stand-by Speaker name.
- Organization or company name.
- Email addresses that will be used by the speaker in order to connect to the virtual meeting.
- New or Reconsidered Code (s) for which the company or organization you are representing submitted a comment or presentation.

Registration details may not be revised once they are submitted. If registration details require changes, a new registration entry must be submitted by the date specified in the **DATES** section of this notice. In addition, registration information must reflect individual-level content and not reflect an organization entry. Also, each individual may only register one person at a time. That is, one individual may not register multiple individuals at the same time.

When registering, individuals must also specify the new or reconsidered test codes on which the company or organization they are representing submitted a comment or presentation. A confirmation email will be sent upon receipt of the registration. The email will provide information to the speaker in preparation for the meeting. Registration is only required for stand-by speakers and must be submitted by the deadline specified in the **DATES** section of this notice. We note that no registration is required for participants who plan to view the Panel meeting via webinar or listen via teleconference.

VI. Panel Recommendations and Discussions

The Panel's recommendations will be posted approximately 2 weeks after the meeting on the CMS website at *https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html*.

VIII. Special Accommodations

Individuals viewing or listening to the meeting who are hearing or visually impaired and have special requirements, or a condition that requires special assistance, should send an email to the resource box (*CDLTPanel@cms.hhs.gov*). The deadline for submitting this request is listed in the **DATES** section of this notice.

IX. Copies of the Charter

The Secretary's Charter for the Medicare Advisory Panel on Clinical Diagnostic Laboratory Tests is available on the CMS website at *http://cms.gov/Regulations-and-Guidance/Guidance/FACA/AdvisoryPanelonClinicalDiagnosticLaboratoryTests.html* or you may obtain a copy of the charter by submitting a request to the contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

X. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Seema Verma, having reviewed and approved this document, authorizes Evell J. Barco Holland, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: April 28, 2020.

Evell J. Barco Holland,

Federal Register Liaison, Department of Health and Human Services.

[FR Doc. 2020–09391 Filed 5–1–20; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; ACF's Generic Clearance for Reviewer Recruitment Forms (OMB #0970–0477)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF) proposes to revise the existing overarching generic clearance for Grant Reviewer Recruitment (GRR) forms to expand the focus from recruiting just grant reviewers to recruiting expert reviewers in general.

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION:

Description: Currently, the overarching generic 0970–0477 covers recruitment forms for grant reviewers, but it would be beneficial to ACF to collect information from other types of potential reviewers, such as those who review conference proposals or report drafts. This revised Generic Clearance for Reviewer Recruitment Forms would allow ACF to collect information about expertise from potential reviewers of a variety of activities.

ACF developed the original generic for GRR because each program office within ACF has a slightly different need for information about grant reviewer applicants. Similarly, ACF may recruit reviewers for a variety of different activities with slightly different needs for information about the reviewers. This revised overarching generic clearance will allow ACF to request slightly different information from potential reviewers, yet the individual forms will serve an identical function. The purpose is to select qualified reviewers for ACF review processes based on professional qualifications using data entered and documents provided by candidates. Example documents include writing samples and curriculum vitae and/or resume. ACF will use the information collected to recruit well-qualified reviewers with relevant background experience and knowledge.

The abbreviated clearance process of the generic clearance will allow the program offices to gather a suitable pool of candidates within the varied time periods available for reviewer recruitment.

These forms will be voluntary, low-burden and uncontroversial.

Respondents: Individuals who may apply to review materials for ACF.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Reviewer Recruitment Forms	3000	1	.5	1500

Estimated Total Annual Burden Hours: 1500.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2020–09354 Filed 5–1–20; 8:45 am]

BILLING CODE 4184–79–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Runaway and Homeless Youth Homeless Management Information System (RHY–HMIS; New Collection)

AGENCY: Family and Youth Services Bureau (FYSB), Administration on Children, Youth and Families (ACYF), Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration on Children, Youth and Families (ACYF), Family and Youth Services Bureau has a legislative requirement to collect and maintain client statistical records on the numbers and the characteristics of runaway and homeless youth, and youth at risk of family separation, who receive shelter and supportive services

through the Runaway and Homeless Youth (RHY) Program funding. RHY data collection is integrated with the U.S. Department of Housing and Urban Development's (HUD) Homeless Management Information System (HMIS).

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families (ACF) is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *infocollection@acf.hhs.gov*. Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation (OPRE), 330 C Street SW, Washington, DC 20201, Attn: ACF Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The RHY Program has a requirement to collect information from all youth who receive shelter and supportive services with RHY funding. In April 2015, ACYF, through a formal Memorandum of Understanding, integrated the RHY data collection with HUD's HMIS and HUD's data standards along with other federal partners. HUD's data standards has its own OMB clearance, but ACYF is requesting approval for the RHY data collection efforts as HUD's will no longer include all federal partners. The data collection instrument includes universal data elements, which are collected by all federal partners and program specific elements, which are tailored to each program using HUD's HMIS.

Respondents: Youth who receive emergency and longer-term shelter and supportive services under RHY funding.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
RHY–HMIS: Basic Center Program (Intake)	123,000	1	0.38	46,740	15,580
RHY–HMIS: Basic Center Program (Exit)	123,000	1	0.33	40,590	13,530
RHY–HMIS: Transitional Living Program (including Maternity Group Home program and TLP Demonstration Programs; Intake)	18,000	1	0.38	6,840	2,280
RHY–HMIS: Transitional Living Program (including Maternity Group Home program and TLP Demonstration Programs; Exit)	18,000	1	0.33	5,940	1,980
RHY–HMIS: Street Outreach Program (Contact)	108,000	1	0.5	54,000	18,000
RHY–HMIS: Street Outreach Program (Engagement)	30,000	1	0.28	8,400	2,800

Estimated Total Annual Burden Hours: 54,170.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Reconnecting Homeless Youth Act of 2008 (P.L. 110–378) through FY 2013 and more recently reauthorized by the Juvenile Justice Reform Act through FY 2019.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2020–09458 Filed 5–1–20; 8:45 am]

BILLING CODE 4182–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: Be The Match® Patient Support Center Survey; OMB No. 0906–0004—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than July 6, 2020.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov.*

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Be The Match® Patient Support Center Survey; OMB No. 0906–0004—Revision.

Abstract: The C.W. Bill Young Cell Transplantation Program (Program) was established by the Stem Cell Therapeutic and Research Act of 2005 (Pub. L. 109–129) and was reauthorized in 2015 (Pub. L. 114–104). The Program's Office of Patient Advocacy is operated by the National Marrow Donor Program® (NMDP)/Be The Match®). NMDP/Be The Match® has specific requirements under its HRSA contract to conduct surveys to assess patient satisfaction. As such, NMDP/Be The Match® will elicit feedback from marrow and cord blood transplant patients, caregivers, and family members who had contact with the Be The Match® Patient Support Center for navigation services, educational information, and support. The survey also includes demographic questions to determine the representativeness of findings. The objectives of the survey are to: (1) Determine the level of satisfaction with existing services of the Patient Support Center and (2) determine areas for improvement as well as opportunities for the development of new programs and services.

Need and Proposed Use of the Information: Barriers restricting access to transplant-related care and educational information are multi-factorial. Feedback from participants is essential to understand the changing needs for services, and information, as well as to demonstrate the effectiveness of existing services. The primary use for information gathered through the survey is to determine the helpfulness of participants' initial contact with the Be The Match® Blood and Marrow Transplant (BMT) Navigators and to identify areas for improvement in the delivery of services. The BMT Navigators are Certified Oncology Patients or Nurse Navigators, who respond to requests for information and support. Stakeholders (*e.g.,* participants, program managers, Be The Match® leadership, and HRSA) use this evaluation data to share patients' experiences as well as make program (by program managers and leadership) and resource allocation (by HRSA) decisions.

Online and paper-based surveys will be administered to all participants (patients, caregivers, and family members) who have contact with the Be The Match® Patient Support Center. All participants that provided an email address will be invited to complete the survey online. All other participants will be mailed a survey with a pre-paid reply envelope. Survey respondents will be notified via email and cover letter and informed in the survey instructions that participation is voluntary, and responses will be kept confidential. A follow-up notification will be sent within two (2) weeks to non-respondents. The survey will be available in English and Spanish languages.

The survey will measure: (1) Overall satisfaction; (2) if the contact helped the participant feel more confident in coping with the area of concern regarding the call; (3) if the contact helped the participant feel more hopeful; (4) if the contact helped the participant feel less alone; (5) increased awareness of available resources; (6) if the contact helped the participant feel more informed about treatment options; (7) if participant's questions were answered through contact with the Be The Match® Patient Support Center, and (8) types of challenges faced by participant. The survey data will be analyzed quarterly and rolled up for an annualized analysis. The results of the analyses will be shared with program managers and HRSA. Feedback indicating a need for improvement will be reviewed by program managers biannually, and implementation of results, program changes, or additions will be documented.

Proposed changes to the survey instrument include minor changes to selected questions and a reduction in the overall number of questions. The estimated amount of respondents will increase as it will be easier for them to complete the survey online. As a result of fewer questions along with the addition of an online platform, the respondent's burden will decrease.

Likely Respondents: Respondents will include all patients, caregivers, and family members who have contact with Be The Match® Patient Services Coordinators via phone or email for transplant navigation services and support. The decision to survey all participants was made based on historical evidence of patients' unavailability due to frequent transitions in health status.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information as well as disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per respondent (in hours)	Total burden hours
Be The Match® Patient Support Center Survey	4,000	1	4,000	* 0.17	** 680

* Decreased from .25 burden per respondent.

** Increased from 105 hours but due to an almost tenfold increase in number of respondents HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2020–09417 Filed 5–1–20; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS–0990–0379]

Agency Father Generic Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before July 6, 2020.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0990–New–60D, and project title for reference, to Sherrette Funn, the Reports Clearance Officer, *Sherrette.funn@hhs.gov,* or call 202–795–7714.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (Online Customer Surveys).

Type of Collection: Father Generic ICR.

OMB No.: 0990–0379—OS/ASPA.

Abstract: This collection of information is necessary to enable the Agency to garner customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to improving service delivery. The information collected from our customers and stakeholders will help ensure that users have an effective, efficient, and satisfying experience with the Agency's programs. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders.

Type of respondent; frequency (annual, quarterly, monthly, etc.); and the affected public (individuals, public or private businesses, state or local governments, etc.)

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Website Customer Satisfaction Survey	3,000,000	1	10/60	500,000

Sherrette A. Funn,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2020–09470 Filed 5–1–20; 8:45 am]

BILLING CODE 4150–25–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biobehavioral Regulation, Learning and Ethology.

Date: May 28, 2020.

Time: 5:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Andrea B. Kelly, BS, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7770, Bethesda, MD 20892, (301) 455–1761, *kellya2@csr.nih.gov.*

Name of Committee: Biology of Development and Aging Integrated Review Group; International and Cooperative Projects—1 Study Section.

Date: June 1, 2020.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Synthetic and Biological Chemistry A Study Section.

Date: June 2–3, 2020.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Anita Szajek, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4187, Bethesda, MD 20892, (301) 827–6276, *anita.szajek@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–OD–20–006: Analysis of Down Syndrome-Related Research Data for the Include Project (R03).

Date: June 2, 2020.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Wenchi Liang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, (301) 435–0681, *liangw3@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Developmental Brain Disorders Study Section.

Date: June 3–5, 2020.

Time: 11:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Pat Manos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, (301) 408–9866, *manospa@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 28, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–09356 Filed 5–1–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Innovations to Foster Healthy Longevity in Low-Income Settings.

Date: July 1, 2020.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Dario Dieguez, Jr., Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 827–3101, *dario.dieguez@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 28, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–09355 Filed 5–1–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Council of Councils, May 15, 2020, 08:15 a.m. to 04:00 p.m., National Institutes of Health, 6001 Executive Boulevard, Neuroscience Center, Room C, E, Bethesda, MD 20892 which was published in the **Federal Register** on December 16, 2019, 84 FR 68467.

The meeting notice is amended to change the open and closed session meeting times as follows: The closed session will now be held from 11:00 a.m. to 11:30 a.m. and the open session will now be held from 11:30 a.m. to 3:40 p.m. This notice is also being amended to change the meeting location from National Institutes of Health, 6001 Executive Boulevard, Neuroscience Center, Room C, E, Bethesda, MD 20892 to a virtual meeting. The url link to this meeting is: *https://videocast.nih.gov/watch=36031.* Any member of the public may submit written comments no later than 15 days after the meeting.

Dated: April 28, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–09357 Filed 5–1–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council for Nursing Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in 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 Advisory Council for Nursing Research.

Date: May 19, 2020.

Open: 10:00 a.m. to 1:00 p.m.

Agenda: Discussion of Program Policies and Issues.

Place: National Institutes of Health, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Boulevard, One Democracy Plaza, Bethesda, MD 20817 (Virtual Meeting).

Closed: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Boulevard, One Democracy Plaza, Bethesda, MD 20817 (Virtual Meeting).

Virtual Access: https://videocast.nih.gov/watch=36274.

Contact Person: Kathleen C. Anderson, Ph.D., Acting Executive Secretary, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Boulevard, Suite 710, One Democracy Plaza, Bethesda, MD 20817, (301) 443–5837, *kanders1@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.ninr.nih.gov/aboutninr/nacnr,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: April 28, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–09405 Filed 5–1–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Biomedical Imaging and Bioengineering. 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 for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, Institute of Biomedical Imaging and Bioengineering; BSC, June 2020.
Date: June 11–12, 2020.
Time: 8:30 a.m. to 12:30 p.m.
Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.
Place: National Institutes of Health, Building 13, 9000 Rockville Pike, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Richard D. Leapman, Ph.D., Intramural Scientific Director, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Room 920 Building 13, Rm 3E 73, Bethesda, MD 20892, (301) 496–2599, *leapmanr@mail.nih.gov*.

Dated: April 28, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–09362 Filed 5–1–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Tissue Aging.
Date: May 28, 2020.
Time: 11:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).
Contact Person: Nijaguna Prasad, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, (301) 496–9667, *nijaguna.prasad@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 28, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–09358 Filed 5–1–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Secretary; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Interagency Pain Research Coordinating Committee.

The meeting will be open to the public. Individuals who plan to participate and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Interagency Pain Research Coordinating Committee.
Date: June 16, 2020.
Time: 1:30 p.m. to 4:00 p.m.
Agenda: The meeting will cover committee business items and updates related to COVID19, the NIH HEAL Initiative, and the SUPPORT Act.
Call-In Number: 1–650–479–3208.
Public Access Code: 622 776 328.
Deadline: Submission of intent to submit written/electronic statement for comments: Tuesday, June 9th, by 5:00 p.m. ET
Place: National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Linda L. Porter, PHD, Director, Office of Pain Policy and Planning. Office of the Director, National Institute of Neurological Disorders and Stroke, NIH, 31 Center Drive, Room 8A31, Bethesda, MD 20892, Phone: (301) 451–4460, Email: *Linda.Porter@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

The meeting will be open to the public for audio access through a telephone call in phone number. A link to view the WebEx presentation will be available on the IPRCC website *http://iprcc.nih.gov* prior to the meeting. Members of the public who participate using the conference call phone number will be able to listen to the meeting as attendees but will not be heard.

Dated: April 28, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–09404 Filed 5–1–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0006]

Agency Information Collection Activities: Application and Approval To Manipulate, Examine, Sample or Transfer Goods

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection 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 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and must be submitted (no later than June 3, 2020) to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/*

PRAMain. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (85 FR 1817) on January 13, 2020, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Application and Approval to Manipulate, Examine, Sample or Transfer Goods.

OMB Number: 1651–0006.

Form Number: Form 3499.

Abstract: CBP Form 3499, ''*Application and Approval to Manipulate, Examine, Sample or Transfer Goods,*'' is used as an application to perform various operations on merchandise located at a CBP approved bonded facility. This form is filed by importers, consignees, transferees, or owners of merchandise, and is subject to approval by the port director. The data requested on this form identifies the merchandise for which action is being sought and specifies what operation is to be performed. This form may also be approved as a blanket application to manipulate goods for a period of up to one year for a continuous or repetitive manipulation. CBP Form 3499 is provided for by 19 CFR 19.8, 19.11, and 158.43, and is accessible at: *https://www.cbp.gov/newsroom/publications/forms?title=3499&=Apply.*

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 2,519.

Estimated Number of Responses per Respondent: 60.

Estimated Number of Total Annual Responses: 151,140.

Estimated Time per Response: 6 minutes.

Estimated Total Annual Burden Hours: 15,114.

Dated: April 29, 2020.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2020–09419 Filed 5–1–20; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0114]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application for Civil Surgeon Designation

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until June 3, 2020.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2013–0002. All submissions received must include the OMB Control Number 1615–0114 in the body of the letter, the agency name and Docket ID USCIS–2013–0002.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, Telephone number (202) 272–8377 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on February 03, 2020, at 85 FR 5979, allowing for a 60-day public

comment period. USCIS did receive one comment in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2013–0002 in the search box. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Civil Surgeon Designation.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–910; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. This information collection is required to determine whether a physician meets the statutory and regulatory requirements for civil surgeon designation. For example, all documents are reviewed to determine whether the physician has a currently valid medical license and whether the physician has had any disciplinary action taken against him or her by the medical licensing authority of the U.S. state(s) or U.S. territories in which he or she practices. If the Application for Civil Surgeon Designation (Form I–910) is approved, the physician is included in USCIS's public Civil Surgeon Locator and is authorized to complete Form I–693 (OMB Control Number 1615–0033) for an applicant's adjustment of status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–910 is 470 and the estimated hour burden per response is 2 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 940 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $24,205.

Dated: April 28, 2020.

Jerry L Rigdon,

Deputy Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2020–09371 Filed 5–1–20; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/A0A51010.999900]

Proclaiming Certain Lands as Reservation for the Sault Ste. Marie Tribe of Chippewa Indians of Michigan

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of reservation proclamation.

SUMMARY: This notice informs the public that the Assistant Secretary—Indian Affairs proclaimed approximately 5.88 acres, more or less, an addition to the reservation of the Sault Ste. Marie Tribe of Chippewa Indians on April 13, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene M. Round Face, Bureau of Indian Affairs, Division of Real Estate Services, *sharlene.roundface@bia.gov,* or telephone (505) 563–3132.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by part 209 of the Departmental Manual.

A proclamation was issued according to the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 5110) for the lands described below. The land was proclaimed to be the Sault Ste. Marie Tribe Reservation for the Sault Ste. Marie Tribe of Chippewa Indians of Michigan, Chippewa County, State of Michigan.

Sault Ste. Marie Tribe Reservation for the Sault Ste. Marie Tribe of Chippewa Indians of Michigan

1 Parcel of land

Michigan Meridian

Chippewa County, Michigan

The following lands situated in Soo Township, Section 24, Township 47 North, Range 1 West, of Chippewa County, State of Michigan, Michigan Meridian Michigan:

Parcel A: Lots 1 to 25 inclusive, Block 3, Charles City Iowa Addition, as recorded in Liber 2 of Plats, page 28, Chippewa County Records.

Parcel B: Lots 4 to 30, inclusive, Block 4, Charles City Iowa Addition, as recorded in Liber 2 of Plats, page 28, Chippewa County Records.

The above described lands contain a total of 5.88 acres, more or less, which are subject to all valid rights, reservations, rights-of-way, and easements of record.

This proclamation does not affect title to the lands described above, nor does it affect any valid existing easements for public roads, highways, public utilities, railroads and pipelines, or any other valid easements or rights-of-way or reservations of record.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–09387 Filed 5–1–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/ A0A501010.999900]

HEARTH Act Approval of Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California Business Leasing Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On April 13, 2020, the Bureau of Indian Affairs (BIA) approved the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California (Tribe) Business Leasing Regulations under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into business leases without further BIA approval.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene M. Round Face, Bureau of Indian Affairs, Division of Real Estate Services, *Sharlene.roundface@bia.gov,* (505) 563–3132.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into agricultural and business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. See 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 5108 preempts State taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* 799 F.3d 1324, 1331, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' H. Rep. 112–427 at 6 (2012).

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 572 U.S. 782, 810 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 810–811 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including

terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or Part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–09385 Filed 5–1–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201A2100DD/AAKC001030/ A0A501010.999900]

HEARTH Act Approval of Pueblo of Laguna Leasing Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On April 13, 2020, the Bureau of Indian Affairs (BIA) approved the Pueblo of Laguna's (Tribe) Leasing Code under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into residential leases without further BIA approval.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, MS–4642–MIB, 1001 Indian School Road NW, Albuquerque, New Mexico 87020, at (505) 563–3132.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into agricultural and business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Pueblo of Laguna, New Mexico.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. See 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72,440, 72,447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 5108 preempts State taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* 799 F.3d 1324, 1331, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' H. Rep. 112–427, at 6 (2012).

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 572 U.S. 782, 810 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 810–811 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double

taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or Part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Pueblo of Laguna, New Mexico.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–09386 Filed 5–1–20; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[201D0102DR/DS5A300000/ DR.5A311.IA000118]

National Tribal Broadband Grant; Extension of Application Deadline

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs published a document in the **Federal Register** of February 10, 2020, that announced a grant funding opportunity for Tribes to hire consultants to perform feasibility studies for deployment or expansion of high-speed internet (broadband) transmitted, variously, through digital subscriber line (DSL), cable modem, fiber, wireless, satellite and broadband over power lines (BPL). This notice extends the application deadline.

DATES: Applications and mandatory attachments will be accepted until 11:59 p.m. EST on Monday, June 15, 2020. Applications and mandatory attachments received after this time and date stamp will not be considered by the Awarding Official.

ADDRESSES: Applicants must submit a completed Application for Federal Assistance SF–424 and the Project Narrative Attachment form in a single email to *IEEDBroadbandGrants@bia.gov,* Attention: Ms. Jo Ann Metcalfe, Certified Grant Specialist, Bureau of Indian Affairs.

FOR FURTHER INFORMATION CONTACT: Mr. James R. West, National Tribal Broadband Grant (NTBG) Manager, Office of Indian Energy and Economic Development, Room 6049–B, 12220 Sunrise Valley Drive, Reston, Virginia 20191; telephone: (202) 595–4766; email: *jamesr.west@bia.gov.*

SUPPLEMENTARY INFORMATION: On February 10, 2020, the Office of Indian Energy and Economic Development (IEED), Office of the Assistant Secretary—Indian Affairs, published a solicitation for proposals from Indian Tribes, as defined at 25 U.S.C. 5304(e), for grant funding to hire consultants to perform feasibility studies for deployment or expansion of broadband transmitted, variously, through DSL, cable modem, fiber, wireless, satellite, and BPL (85 FR 7580). This notice announced an application deadline of May 8, 2020. The deadline has been extended from May 8, 2020, to June 15, 2020 due to the COVI–19 crisis.

National Tribal Broadband Grants (NTBG) may be used to fund an assessment of the current broadband services, if any, that are available to an applicant's community; an engineering assessment of new or expanded broadband services; an estimate of the cost of building or expanding a broadband network; a determination of the transmission medium(s) that will be employed; identification of potential funding and/or financing for the network; and consideration of financial and practical risks associated with developing a broadband network.

The purpose of the NTBG is to improve the quality of life, spur economic development and commercial activity, create opportunities for self-employment, enhance educational resources and remote learning opportunities, and meet emergency and law enforcement needs by bringing broadband services to Native American communities that lack them.

Feasibility studies funded through NTBG will assist Tribes to make informed decisions regarding deployment or expansion of broadband in their communities.

Award Ceiling: 50,000.

Award Floor: 40,000.

CFDA Numbers: 15.032.

Cost Sharing or Matching Requirement: No.

Number of Awards: 25–30.

Category: Communications.

Authority: This is a discretionary grant program authorized under the Snyder Act (25 U.S.C.13) and the Further Consolidated Appropriations Act 2020 (Pub. L. 116–94). The Snyder Act authorizes the BIA to expend such moneys as Congress may appropriate for the benefit, care, and assistance of Indians for the purposes listed in the Act. Broadband deployment or expansion facilitates two of the purposes listed in the Snyder Act: ''General support and civilization, including education'' and ''industrial assistance and advancement.'' The Further Consolidated Appropriations Act 2020 authorizes the BIA to ''carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.''

Tara Sweeney,

Assistant Secretary—Indian Affairs.

[FR Doc. 2020–09388 Filed 5–1–20; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1197]

Certain Portable Gaming Console Systems With Attachable Handheld Controllers and Components Thereof II; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 27, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of Gamevice, Inc. of Simi Valley, California. Letters supplementing the complaint were filed on April 7, 14 and 15, 2020. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain portable gaming console systems with attachable handheld controllers

and components thereof by reason of infringement of U.S. Patent No. 10,391,393 (''the '393 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia Proctor, Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2019).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 28, 2020, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–4, 6–8, and 12–18 of the '393 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''handheld gaming consoles, game controllers, and mechanical components supporting the consoles and controllers'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Gamevice, Inc., 685 Cochran St., Suite 200, Simi Valley, CA 93065.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Nintendo Co., Ltd., 11–1 Hokotate-cho, Kamitoba, Minami-ku, Kyoto, JAPAN 601–8501

Nintendo of America, Inc., 4600 150th Avenue NE, Redmond, WA 98052

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: April 29, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–09425 Filed 5–1–20; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0071]

Agency Information Collection Activities; Proposed eCollection eComments Request; National Use-of-Force Data Collection: Extension of a Currently Approved Collection

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation's (FBI's) Criminal Justice Information Services Division is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until July 6, 2020.

FOR FURTHER INFORMATION CONTACT: Written comments and suggestions regarding the items contained in this notice, especially the estimated burden and associated response time, may be sent for consideration in a number of ways. OMB recommends that written comments be emailed to *useofforcepublicnotice@fbi.gov.* Physical letters with comments and suggestions may be directed to Ms. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306. Letters may also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20503 or emailed to OMB at *OIRA_submissions@obb.eop.gov.*

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 FBI, including whether

the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether, and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *The Title of the Form/Collection:* National Use-of-Force Data Collection

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is 1110–0071. Sponsor: Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Federal, state, local, and tribal law enforcement agencies.

Abstract: The FBI has a long-standing tradition of collecting data and providing statistics concerning Law Enforcement Officers Killed and Assaulted (LEOKA) and justifiable homicides. To provide a better understanding of the incidents of use of force by law enforcement, the Uniform Crime Reporting (UCR) Program developed a new data collection for law enforcement agencies to provide information on incidents where use of force by a law enforcement officer has led to the death or serious bodily injury of a person, as well as when a law enforcement officer discharges a firearm at or in the direction of a person.

When a use of force occurs, federal, state, local, and tribal law enforcement agencies provide information to the data collection on characteristics of the incident, subjects of the use of force, and the officers who applied force in the incident. Agencies positively affirm, on a monthly basis, whether their agency did or did not have a use of force that resulted in a fatality, a serious bodily injury to a person, or a firearm discharge at or in the direction of a person. When no use-of-force incident occurs in a month, agencies submit a zero report. Enrollment information from agencies and state points of contact is collected when the agency or contact initiates participation in the data collection. Enrollment information is updated no less than annually to assist with managing this data.

The new data collection defines a law enforcement officer using the current LEOKA definition: ''All local, county, state, and federal law enforcement officers (such as municipal, county police officers, constables, state police, highway patrol, sheriffs, their deputies, federal law enforcement officers, marshals, special agents, etc.) who are sworn by their respective government authorities to uphold the law and to safeguard the rights, lives, and property of American citizens. They must have full arrest powers and be members of a public governmental law enforcement agency, paid from government funds set aside specifically for payment to sworn police law enforcement organized for the purposes of keeping order and for preventing and detecting crimes, and apprehending those responsible.''

The definition of ''serious bodily injury'' is based, in part, on 18 United States Code (U.S.C.), Section 2246 (4), to mean ''bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.'' These actions include the use of a firearm; an electronic control weapon (*e.g.,* Taser); an explosive device; pepper or OC (oleoresin capsicum) spray or other chemical agent; a baton; an impact projectile; a blunt instrument; hands-fists-feet; or canine.

(5) *A total number of respondents and the amount of time estimated for an average respondent to respond:* As of March 2020, a total of 6,763 agencies covering 393,274 law enforcement officers were enrolled in the National Use-of-Force Data Collection. The burden hours per incident are estimated to be 0.63 of an hour for completion, around 38 minutes per incident.

(6) *An estimate of the total public burden (in hours) associated with the collection:* Burden estimates are based on sources from the FBI's UCR Program, the Bureau of Justice Statistics (BJS), and the Centers for Disease Control (CDC). The BJS recently estimated that approximately 1,400 fatalities attributed to a law enforcement use of force occur annually (Planty, et al., 2015, *Arrest-Related Deaths Program: Data Quality Profile, http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5260*). In addition, the CDC estimates the incidences of fatal and nonfatal injury—including those due to legal intervention—from emergency department data. In their study, *The real risks during deadly police shootouts: Accuracy of the naïve shooter,* Lewinski, et al., (2015) estimate law enforcement officers miss their target approximately 50 percent of the time at the firing range. This information was used to develop a simple estimate for the number of times officers discharge a firearm at or in the direction of a person but do not strike the individual. In addition, the UCR Program collects counts of the number of sworn and civilian law enforcement employees in the nation's law enforcement agencies.

The following table shows burden estimates based on previous estimation criteria and current National Use-of-Force Data Collection enrollment numbers.

ESTIMATED BURDEN FOR ALL LAW ENFORCEMENT AGENCIES IN ANNUAL COLLECTION

Timeframe	Reporting group	Approximate number of officers from participating agencies	Maximum per capita rate of use-of-force occurrence per officer	Minimum per capita rate of use-of-force occurrence per officer	Maximum estimated number of incidents	Minimum estimated number of incidents	Estimated burden hours per incident	Maximum estimate total number of burden hours	Minimum estimate total number of burden hours
Collection (Annual).	All agencies submitting data.	393,274	0.122	0.012	47,979	4,719	0.63	30,227	2,973

Based on previous estimation criteria and current enrollment numbers, the FBI is requesting 30,227 burden hours for the annual collection of this data.

If additional information is required, contact: Melody Braswell, Department

Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 28, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–09360 Filed 5–1–20; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On April 28, 2020, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Texas in the lawsuit entitled *United States* v. *Airgas USA, LLC and Air Liquide Large Industries U.S. LP, Case No. 4:20–cv–1495.*

The proposed Consent Decree resolves the claims of the United States under Sections 113(b)(2) and 112(r) of the Clean Air Act (''CAA''), 42 U.S.C. 7413(b)(2) and 7412(r), that Settling Defendants violated the Chemical and Accident Prevention Provisions for Air Programs at their four gas facilities located in La Porte, Freeport and Pasadena, Texas. Under the proposed Consent Decree, Settling Defendants have agreed to pay a civil of penalty of $257,000, and implement an Enhanced Compliance Audit Protocol at their three currently operating facilities in Texas, to resolve the government's claims.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *Airgas USA, LLC and Air Liquide Large Industries U.S. LP, Case No. 4:20–cv–1495,* D.J. Ref. No. 90–5–2–1–07132/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $7.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Thomas Carroll,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2020–09426 Filed 5–1–20; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

[OMB Number 1121–0277]

Agency Information Collection Activities; Proposed Collection and Comments Requested; Extension Without Change, of a Previously Approved Collection OJJDP National Training and Technical Assistance Center (NTTAC) Feedback Form Package

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until July 6, 2020.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Elizabeth Wolfe, Training and Outreach Coordinator, OJJDP NTTAC COR at 1–202–524–0582, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Department of Justice, 810 7th Street NW, Washington, DC 20530 or by email at *Elizabeth.Wolfe@ojp.usdoj.gov.*

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 Office of Juvenile Justice and Delinquency Prevention, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* OJJDP NTTAC Feedback Form Package.

3. *The agency form number:* OJJDP NTTAC, all forms included in package #1121–0277.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: Federal Government, State, local or tribal government; Not-for-profit institutions; Businesses or other for-profit.

Abstract: The Office for Juvenile Justice and Delinquency Prevention National Training and Technical Assistance Center (NTTAC) Feedback Form Package is designed to collect in-person and online data necessary to continuously assess the outcomes of the assistance provided for both monitoring and accountability purposes and for continuously assessing and meeting the needs of the field. OJJDP NTTAC will send these forms to technical assistance (TA) recipients; conference attendees; training and TA providers; online meeting participants; in-person meeting

participants; and focus group participants to capture important feedback on the recipients' satisfaction with the quality, efficiency, referrals, information and resources provided and assess the recipients' additional training and TA needs. The data will then be used to advise NTTAC on ways to improve the support provided to its users; the juvenile justice field at-large; and ultimately improve services and outcomes for youth.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 5066 respondents will complete forms and the response time will range from .03 hours to 1.5 hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 520.5 total annual burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: April 28, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–09361 Filed 5–1–20; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Job Corps Health Questionnaire

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 3, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Information on the health status of an applicant to Job Corps is obtained when the applicant completes ETA 653 during an interview with the admissions counselor as part of the admissions process. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 2, 2020 (85 FR 131).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Job Corps Health Questionnaire.

OMB Control Number: 1205–0033.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 66,630.

Total Estimated Number of Responses: 66,630.

Total Estimated Annual Time Burden: 8,884 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: April 28, 2020.

Anthony May,

Acting Departmental Clearance Officer.

[FR Doc. 2020–09412 Filed 5–1–20; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Benefits Timeliness and Quality Review System

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 3, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the

collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: These reports provide data necessary to monitor state performance in administration of Unemployment Insurance as mandated by the Secretary of Labor. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 11, 2019 (84 FR 67758).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Benefits Timeliness and Quality Review System.

OMB Control Number: 1205–0359.

Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 23,740.

Total Estimated Annual Time Burden: 37,012 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: April 27, 2020.

Anthony May,

Acting Departmental Clearance Officer.

[FR Doc. 2020–09366 Filed 5–1–20; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Construction Fall Protection Systems Criteria, Practices, and Training Requirements

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 3, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456 (this not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Standards on Construction Fall Protection Systems Criteria and Practices (29 CFR 1926.502) and Training Requirements (29 CFR 1926.503) ensure that employers provide the required fall protection for their workers. Accordingly, these standards have the following paperwork requirements: Paragraphs (c)(4)(ii) and (k) of 29 CFR 1926.502, which specify certification of safety nets and development of fall protection plans, respectively, and paragraph (b) of 29 CFR 1926.503, which requires employers to certify training records. The training certification requirement specified in paragraph (b) of 29 CFR 1926.503 documents the training provided to workers potentially exposed to fall hazards in construction. A competent person must train these workers to recognize fall hazards and in the use of procedures and equipment that minimize these hazards. An employer must verify compliance with this training requirement by preparing and maintaining a written certification record that contains the name or other identifier of the worker receiving the training, the date(s) of the training, and the signature of the competent person who conducted the training, or of the employer. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 26, 2020 (85 FR 11118).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Construction Fall Protection Systems Criteria, Practices, and Training Requirements.

OMB Control Number: 1218–0197.

Affected Public: Private Sector: Businesses or other for-profits.

Total Estimated Number of Respondents: 354,172.

Total Estimated Number of Responses: 5,645,796.

Total Estimated Annual Time Burden: 471,232 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: April 28, 2020.

Anthony May,

Acting Departmental Clearance Officer.

[FR Doc. 2020–09411 Filed 5–1–20; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Nonmonetary Determination Activity Report

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA) sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 4, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456 (this not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Data are used to monitor the impact of disqualification provisions to measure workload and to appraise the adequacy and effectiveness of state and Federal nonmonetary determination procedures. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 31, 2019 (84 FR 58410).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Nonmonetary Determination Activity Report.

OMB Control Number: 1205–0150.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 424.

Total Estimated Annual Time Burden: 1,696 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: April 27, 2020.

Anthony May,

Acting Departmental Clearance Officer.

[FR Doc. 2020–09365 Filed 5–1–20; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Pre-Implementation Planning Checklist Report for State Unemployment Insurance Information Technology Modernization Projects

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 3, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Unemployment Insurance (UI) Information Technology (IT) Modernization Pre-Implementation Planning Checklist for states to use prior to ''going live'' with a new UI Benefits and/or Tax system. The checklist can be used to verify that all necessary system functions are available and/or that alternative workarounds are developed prior to the production launch of the UI IT system to help avoid major disruption of services to UI customers and to prevent delays in making UI benefit payments when due. This comprehensive checklist denotes critical functional areas that states should verify prior to launching a new UI IT system including, but not limited to, technical IT functions and UI business processes that interface with the new system. For additional substantive information about this ICR,

see the related notice published in the **Federal Register** on November 7, 2019 (84 FR 60114).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Pre-Implementation Planning Checklist Report for State Unemployment Insurance Information Technology Modernization Projects.

OMB Control Number: 1205–0527.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 24.

Total Estimated Number of Responses: 24.

Total Estimated Annual Time Burden: 576 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: April 27, 2020.

Anthony May,

Acting Departmental Clearance Officer.

[FR Doc. 2020–09367 Filed 5–1–20; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Agricultural Recruitment System Forms Affecting Migratory Farm Workers

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before June 3, 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie by telephone at 202–693–0456 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov*.

SUPPLEMENTARY INFORMATION: State Workforce Agencies (SWAs) are required by Federal regulations at 20 CFR 653.500 to participate in the intrastate and interstate clearance system for the orderly recruitment and movement of agricultural workers. Regulations 653.501(a), (b), (c) and (d) enumerate the contents of these orders. As required by Federal regulations, the Employment and Training Administration (ETA) created the Agricultural Clearance Order (ETA Form 790) for the recruitment of workers beyond the local commuting area (20 CFR 653.501). In order to participate in the temporary alien agricultural worker (H–2A) program, employers are required to submit to the SWA a job order (ETA Form 790) in the area of intended employment between 60 and 75 days before the date of need for workers. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 15, 2019 (84 FR 9561).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–ETA.

Title of Collection: Agricultural Recruitment System Forms Affecting Migratory Farm Workers.

OMB Control Number: 1205–0134.

Affected Public: Private Sector: Businesses or other for-profits, Farms, Not-for-profits institutions; State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 3,600.

Total Estimated Number of Responses: 3,600.

Total Estimated Annual Time Burden: 3,150 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: April 29, 2020.

Anthony W. May,

Acting Departmental Clearance Officer.

[FR Doc. 2020–09410 Filed 5–1–20; 8:45 am]

BILLING CODE 4510–FN–P

OFFICE OF MANAGEMENT AND BUDGET

Request for Comments on Revisions to Uniform Freedom of Information Act Fee Schedule and Guidelines

AGENCY: Office of Management and Budget.

ACTION: Notice of availability; request for comments.

SUMMARY: The Office of Management and Budget (OMB) is proposing revisions to sections of its Uniform Freedom of Information Act Fee Schedule and Guidelines (''Guidelines'') last published in 1987. This action is

necessary to conform the Guidelines with statutory amendments to the Freedom of Information Act (FOIA), to provide clarity in light of evolving judicial interpretation, and to clarify the scope of the Guidelines. This action is intended to provide Federal agencies with guidance on the appropriate and uniform application of FOIA processing fees.

DATES: Comments are due by June 3, 2020.

ADDRESSES: All comments should be submitted via *https://www.regulations.gov.* Please include your name, organization name (if any), and cite ''Revisions to Uniform Freedom of Information Act Fee Schedule and Guidelines'' in all correspondence. Comments submitted in response to this notice may be made available to the public. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill, Office of Information and Regulatory Affairs, OMB, at *oira_pb_comments@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The Freedom of Information Reform Act of 1986, Public Law 99–570 (1986), required OMB to promulgate a uniform schedule of fees and guidelines, pursuant to notice and public comment, for agencies to use when processing FOIA requests. 5 U.S.C. 552(a)(4)(A)(i). OMB issued the Uniform Freedom of Information Act Fee Schedule and Guidelines, 52 FR 10012 (available at *https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/foia_fee_schedule_1987.pdf*) on March 27, 1987. In the ensuing years, the FOIA has been amended, notably by the OPEN Government Act of 2007, Public Law 110–175 (2007), and the FOIA Improvement Act of 2016, Public Law 114–185 (2016). Likewise, judicial interpretation of the statute has and continues to evolve. As a result, OMB is proposing and seeking comment on changes to the Guidelines, in order to ensure they reflect these legislative changes and leading judicial decisions, and also to improve the clarity of Guidelines' scope. Specifically:

(1) OMB proposes to revise Section 2. *Scope* to indicate that the Guidelines do not address the waiver or reduction of fees if disclosure is in the public interest;

(2) OMB proposes to remove Section 6f, which defines ''representative of the news media,'' given that this term is now defined in statute;

(3) OMB proposes to revise Section 8b. *Educational and Non-commercial Scientific Institution Requesters* to clarify that both teachers and students may be eligible for inclusion in this fee category; and

(4) OMB proposes to add a subsection to Section 9. *Administrative Actions to Improve Assessment and Collection of Fees* to indicate that agencies may not charge certain fees when they fail to comply with the FOIA's time limits, except under certain circumstances provided in the statute.

In addition, OMB proposes to revise Section 4. *Inquiries* to update contact information for questions about the Guidelines.

OMB invites public comment on the revisions to the Guidelines proposed in this notice and only those revisions. Such comments may include, but are not limited to: Whether or not these proposed revisions clearly communicate agency requirements and policy, whether and how these proposed revisions can be improved, and whether and where these proposed revisions might be more effectively located within the Guidelines. OMB will not accept nor consider comments on revisions to the Guidelines other than those proposed in this notice.

For the reasons discussed in the Preamble, and under the authority of 5 U.S.C. 552(a)(4)(A)(i) and 44 U.S.C. chapter 35, OMB proposes to amend the Uniform Freedom of Information Act Fee Schedule and Guidelines, 52 FR 10012, by removing Section 6j, adding Section 9f, and revising Sections 2, 4, and 8b to read as follows:

Uniform Freedom of Information Act Fee Schedule and Guidelines

* * * * *

2. *Scope*—* * * This Fee Schedule and Guidelines, including Sections 6 and 8, does not address the waiver or reduction of fees if the disclosure of the information is in the public interest, as provided in 5 U.S.C. 552(a)(4)(A)(iii).

* * * * *

4. *Inquiries*—Inquiries should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, at *oira_pb_comments@omb.eop.gov.*

* * * * *

8. *Fees to be Charged—Categories of Requesters.* * * *

b. Educational and Non-commercial Scientific Institution Requesters—* * * To be eligible for inclusion in this category, requesters—whether teachers or students—must show that the request is being made in connection with their role at the institution, and that the records are not sought for a commercial use, but are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a non-commercial scientific institution) research. * * *

* * * * *

9. *Administrative Actions to Improve Assessment and Collection of Fees*—* * *

f. Failure to Comply with Time Limits—An agency may not charge search fees (or in the case of educational or non-commercial scientific institution requesters, or representatives of the news media, duplication fees) if it has failed to comply with any time limit under 5 U.S.C. 552(a)(6), except as provided in 5 U.S.C. 552(a)(4)(A)(viii).

Paul J. Ray,

Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 2020–09432 Filed 5–1–20; 8:45 am]

BILLING CODE 3110–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2020–033]

Records Management; General Records Schedule (GRS); GRS Transmittal 31

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of new General Records Schedule (GRS) Transmittal 31.

SUMMARY: NARA is issuing revisions to the General Records Schedule (GRS). The GRS provides mandatory disposition instructions for administrative records common to several or all Federal agencies. Transmittal 31 includes only changes we have made to the GRS since we published Transmittal 30 in December 2019. Additional GRS schedules remain in effect that we are not issuing via this transmittal.

DATES: This transmittal is effective May 4, 2020.

ADDRESSES: You can find all GRS schedules, crosswalks, and FAQs at *http://www.archives.gov/records-mgmt/grs.html* (in Word, PDF, and CSV formats). You can download the complete current GRS, in PDF format, from the same location.

FOR FURTHER INFORMATION CONTACT: For more information about this notice or to

obtain paper copies of the GRS, contact Kimberly Keravuori, Regulatory and External Policy Program Manager, by email at *regulation_comments@nara.gov* or by telephone at 301.837.3151.

Writing and maintaining the GRS is the GRS Team's responsibility. This team is part of Records Management Services in the National Records Management Program, Office of the Chief Records Officer at NARA. You may contact NARA's GRS Team with general questions about the GRS at *GRS_Team@nara.gov.*

Your agency's records officer may contact the NARA appraiser or records analyst with whom your agency normally works for support in carrying out this transmittal and the revised portions of the GRS. You may access a list of the appraisal and scheduling work group and regional contacts on our website at *http://www.archives.gov/records-mgmt/appraisal/index.html.*

SUPPLEMENTARY INFORMATION: GRS Transmittal 31 announces changes to the General Records Schedules (GRS) made since we published GRS Transmittal 30 in December 2019. The GRS provide mandatory disposition instructions for records common to several or all Federal agencies. Transmittal 31 includes alterations to 16 previously published schedules.

You can find all schedules (in Word and PDF formats), a master crosswalk, FAQs for all schedules, and FAQs about the whole GRS at *http://www.archives.gov/records-mgmt/grs.html.* At the same location, you can also find the entire GRS *(just schedules—no crosswalks or FAQs) in a* single document *you can download.*

1. What changes does this transmittal make to the GRS?

GRS Transmittal 31 alters 15 schedules to insert language requiring agencies to offer records created prior to a specified date (January 1, 1921, unless stated otherwise in questions 3–6 and 8 below) to NARA. Only if NARA declines the offer may agencies destroy such records. This requirement existed in schedules in the old GRS but was omitted in the new GRS revision. We have determined the requirement is still necessary, so are reinstating it in these schedules covering the applicable records:

GRS 1.1 Financial Management and Reporting Records
GRS 2.1 Employee Acquisition Records
GRS 2.2 Employee Management Records
GRS 2.3 Employee Relations Records
GRS 2.5 Employee Separation Records
GRS 2.6 Employee Training Records
GRS 2.7 Employee Health and Safety Records
GRS 4.1 Records Management Records
GRS 4.2 Information Access and Protection Records
GRS 5.3 Continuity and Emergency Planning Records
GRS 5.4 Facility, Equipment, Vehicle, Property, and Supply Records
GRS 5.5 Mail, Printing, and Telecommunication Service Management Records
GRS 5.6 Security Records
GRS 5.7 Agency Accountability Records
GRS 6.4 Public Affairs Records

This transmittal also publishes updates to:

GRS 6.1 Email Managed under a Capstone Approach (see question 7 below)

This transmittal also rescinds certain items in GRS 6.6, Rulemaking Records, and moves other items from that schedule to GRS 5.7 (see question 9 below). Because of these changes, GRS 6.6, Rulemaking Records, no longer exists.

We discuss these items in the questions below.

2. What changes did we make to GRS 1.1?

We added this requirement to the schedule's introduction: ''Agencies must offer any records created prior to January 1, 1921, to the National Archives and Records Administration (NARA) before applying disposition instructions in this schedule.'' We also added this note to items 010 and 011: ''Agencies must offer any records created prior to January 1, 1933, to the National Archives and Records Administration (NARA) before applying this disposition authority.''

3. What changes did we make to GRS 2.1, 2.2, 2.3, 2.5, 2.6, 2.7, 4.1, 4.2, 5.3, 5.5, and 5.7?

We added this requirement to each schedule's introduction: ''Agencies must offer any records created prior to January 1, 1921, to the National Archives and Records Administration (NARA) before applying disposition instructions in this schedule.''

4. What changes did we make to GRS 5.4?

We added this requirement to the schedule's introduction: ''Agencies must offer any records created prior to January 1, 1921, to the National Archives and Records Administration (NARA) before applying disposition instructions in this schedule.'' We also added this note to items 070 and 071: ''Agencies must offer any records created prior to January 1, 1939, to the National Archives and Records Administration (NARA) before applying this disposition authority.''

5. What changes did we make to GRS 5.6?

We added this requirement to the schedule's introduction: ''Agencies must offer any records created prior to January 1, 1921, to the National Archives and Records Administration (NARA) before applying disposition instructions in this schedule.'' We also added this note to items 120 and 130: ''Agencies must offer any records created prior to January 1, 1939, to the National Archives and Records Administration (NARA) before applying this disposition authority.''

6. What changes did we make to GRS 6.1?

We added to this schedule's introduction the requirement that agencies systematically resubmit form NA–1005, and that users should consult a new ''resubmission'' section in this schedule's *FAQs* for details.

7. What changes did we make to GRS 6.4?

We added this requirement to the schedule's introduction: ''Agencies must offer any records created prior to January 1, 1921, to the National Archives and Records Administration (NARA) before applying disposition instructions in this schedule.'' We also added this note to item 030: ''Agencies must offer any cartographic and aerial photographic records created prior to January 1, 1950, to the National Archives and Records Administration (NARA) before applying this disposition authority.''

8. What changes did we make to GRS 6.6?

We rescinded items 010 through 030 (DAA–GRS–2017–0012–0001 through 0003) because we learned they do not reflect how agencies create and maintain rulemaking records. We moved items 040–050 (DAA–GRS–2017–0012–0004 and 0005) to items 070 and 080 in GRS 5.7. GRS 6.6, Rulemaking Records, will no longer appear as a chapter in the GRS.

9. How do agencies cite GRS items?

When you send records to an FRC for storage, you should cite the records' legal authority—the ''DAA'' number—in the ''Disposition Authority'' column of the table. Please also include schedule and item number. For example, ''DAA–

GRS–2017–0007–0008 (GRS 2.2, item 070).''

10. Do agencies have to take any action to implement these GRS changes?

NARA regulations (36 CFR 1226.12(a)) require agencies to disseminate GRS changes within six months of receipt.

Per 36 CFR 1227.12(a)(1), you must follow GRS dispositions that state they must be followed without exception.

Per 36 CFR 1227.12(a)(3), if you have an existing schedule that differs from a new GRS item that does *not* require being followed without exception, and you wish to continue using your agency-specific authority rather than the GRS authority, you must notify NARA within 120 days of the date of this transmittal.

If you do not have an already existing agency-specific authority but wish to apply a retention period that differs from that specified in the GRS, you must submit a records schedule to NARA for approval via the Electronic Records Archives.

David S. Ferriero,

Archivist of the United States.

[FR Doc. 2020–09352 Filed 5–1–20; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL COUNCIL ON DISABILITY

Sunshine Act Meeting; Correction

AGENCY: National Council on Disability.

ACTION: Notice; correction.

SUMMARY: The National Council on Disability published a notice in the **Federal Register** of April 27, 2020, concerning a conference call meeting of the Council. This document is intended to correct the omission of noting the conference call meeting as a Sunshine Act meeting and to ensure that it is properly categorized to be understood as open to the public. All other information from the original notice is accurate.

CONTACT PERSON FOR MORE INFORMATION: Anne Sommers, NCD, 1331 F Street NW, Suite 850, Washington, DC 20004; 202–272–2004 (V), 202–272–2022 (Fax).

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of April 27, 2020, FR Doc. 2020–08807, on page 23379, in the second column, correct the subject heading to read:

Sunshine Act Meeting

Dated: April 28, 2020.

Sharon M. Lisa Grubb,

Executive Director and CEO.

[FR Doc. 2020–09364 Filed 5–1–20; 8:45 am]

BILLING CODE 8421–02–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of May 4, 11, 18, 25, June 1, 8, 2020.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

Week of May 4, 2020

There are no meetings scheduled for the week of May 4, 2020.

Week of May 11, 2020—Tentative

There are no meetings scheduled for the week of May 11, 2020.

Week of May 18, 2020—Tentative

There are no meetings scheduled for the week of May 18, 2020.

Week of May 25, 2020—Tentative

There are no meetings scheduled for the week of May 25, 2020.

Week of June 1, 2020—Tentative

There are no meetings scheduled for the week of June 1, 2020.

Week of June 8, 2020—Tentative

There are no meetings scheduled for the week of June 8, 2020.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or by email at *Wendy.Moore@nrc.gov* or *Tyesha.Bush@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: April 30, 2020.

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Policy Coordinator,Office of the Secretary.

[FR Doc. 2020–09614 Filed 4–30–20; 4:15 pm]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88760; File No. SR–FINRA–2020–012]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend FINRA Rule 8312 (FINRA BrokerCheck Disclosure) To Allow the Dissemination of IAPD Information Through BrokerCheck

April 28, 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 22, 2020, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6). Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file 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. FINRA has satisfied this requirement.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend FINRA Rule 8312 (FINRA BrokerCheck Disclosure) to allow the dissemination through BrokerCheck® of information already publicly disseminated through the SEC's Investment Adviser Public Disclosure (''IAPD'') database about registered brokers who are, or were, licensed as investment adviser representatives. The proposed rule change also would make non-substantive, technical changes to FINRA Rule 8312.[4]

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

(a) BrokerCheck Program

FINRA established the BrokerCheck program (then known as the Public Disclosure Program) in 1988 to provide investors and the general public with information on the professional background, business practices, and conduct of member firms and their associated persons. Since establishing BrokerCheck, FINRA has regularly assessed the scope and utility of the information it provides to the public and, as a result, has made numerous changes to improve the program. These changes have made BrokerCheck easier to access by expanding the available methods of requesting information through the program. For instance, initially the public could request information only via U.S. mail or facsimile. FINRA subsequently added the ability to submit requests via a toll-free telephone number in 1991 and then through email in 1997.[5] Now BrokerCheck reports are available instantly online at *https://brokercheck.finra.org.*[6] FINRA also has increased the amount of information available through the program. At first, limited employment history, final disciplinary actions and criminal convictions were available through BrokerCheck. The information currently available to investors through BrokerCheck includes registrations brokers hold and the examinations they have passed, and disclosure information regarding various criminal, regulatory, customer dispute, termination and financial matters on current and former FINRA-registered brokerage firms and brokers.

The information displayed through BrokerCheck is derived from the Central Registration Depository (''CRD®'').[7] The CRD system is the central licensing and registration system used by the U.S. securities industry and its regulators. In general, information in the CRD system is obtained through the uniform registration forms that firms and regulatory authorities complete as part of the securities industry registration and licensing process.[8] These forms, particularly Forms U4 and U5, collect administrative, regulatory, criminal history, customer complaint and other information about brokers.[9] FINRA, state and other regulatory authorities use this information in connection with their licensing and regulatory activities, and member firms use this information to help them make informed employment decisions. As of March 31, 2020, FINRA had processed over 56 million registration approvals for brokers and investment adviser representatives in the CRD system over a period spanning more than 20 years.

Pursuant to rules approved by the SEC, FINRA makes specified information in the CRD system publicly available through BrokerCheck.[10] BrokerCheck is part of FINRA's ongoing effort to help investors make informed choices about the brokers and broker-dealer firms with which they may conduct business. BrokerCheck maintains information on the approximately 3,610 registered broker-dealer firms and 625,000 registered brokers. BrokerCheck also provides the public with access to information about formerly registered broker-dealer firms and brokers.[11] In 2019 alone, BrokerCheck helped users conduct almost 41 million searches of firms and brokers.

(b) IAPD Database

IAPD provides information about both SEC-registered and state-registered investment adviser firms, certain investment adviser firms that are exempt from registration with the SEC or states, and state-registered investment adviser representatives. The information in IAPD is derived from the Investment Adviser Registration Depository (''IARD''), an electronic filing system sponsored by the SEC and NASAA that collects and maintains the registration, reporting and disclosure information for

[4] Specifically, the proposed rule change would define in FINRA Rule 8312(a)(2) ''a current or former associated person of a BrokerCheck Firm'' as a ''BrokerCheck Associated Person.'' In addition, the proposed rule change would require the renumbering of current paragraph (d) as new paragraph (g) of FINRA Rule 8312, and the updating of cross references.

[5] Congress in 1990 amended Exchange Act Section 15A to require FINRA to establish and maintain a toll-free telephone listing to receive inquiries regarding disciplinary actions involving its member firms and their associated persons, and promptly respond to such inquiries in writing. *See* Securities Enforcement Remedies and Penny Stock Reform Act of 1990, Public Law 101–429, 104 Stat. 931 (1990). *See also* Notice to Members 00–16 (March 2000).

[6] In 2006 Congress again amended Exchange Act Section 15A to, among other things, expand the methods by which BrokerCheck information is made available. *See* Military Personnel Financial Services Protection Act, Public Law 109–290, 120 Stat. 1317 (2006).

[7] The concept for the CRD system was developed by FINRA jointly with the North American Securities Administrators Association (''NASAA''), and NASAA and state regulators play a critical role in its ongoing development and implementation. FINRA operates the CRD system pursuant to policies developed jointly with NASAA. FINRA works with the SEC, NASAA and other members of the regulatory community to ensure that information submitted and maintained in the CRD system is accurate and complete.

[8] The uniform registration forms are Form BD (Uniform Application for Broker-Dealer Registration), Form BDW (Uniform Request for Broker-Dealer Withdrawal), Form BR (Uniform Branch Office Registration Form), Form U4 (Uniform Application for Securities Industry Registration or Transfer), Form U5 (Uniform Termination Notice for Securities Industry Registration), and Form U6 (Uniform Disciplinary Action Reporting Form).

[9] FINRA and NASAA jointly drafted the Forms U4 and U5, and both organizations collaborate in the development of any proposed amendments to these Forms.

[10] There is a limited amount of information in the CRD system that FINRA does not display through BrokerCheck, including personal or confidential information. A detailed description of the information made available through BrokerCheck is available at *https://www.finra.org/investors/learn-to-invest/choosing-investment-professional/about-brokercheck.*

[11] Formerly registered brokers, although no longer in the securities industry in a registered capacity, may work in other investment-related industries or may seek to attain other positions of trust with potential investors. BrokerCheck provides information on more than 16,900 formerly registered broker-dealer firms and 564,000 formerly registered brokers. Broker records are available through BrokerCheck for 10 years after a broker leaves the industry, and records of brokers who are the subject of disciplinary actions and certain other events remain on BrokerCheck permanently.

investment advisers and related persons.

BrokerCheck and IAPD have many similarities. For example, both systems display information about individuals that has been filed with the CRD system on Forms U4, U5 and U6.[12] In addition, information on many registered individuals can be obtained in either system because the majority of brokers are also registered as investment adviser representatives and vice versa.[13] Despite the similarities, there are some differences between BrokerCheck and IAPD, including the information available, the presentation format, and the manner in which users may obtain information from the systems. For instance, the systems display different information pertaining to professional designations, passed qualification examinations, and registrations. The systems differ also in the manner in which detailed information about firms is made available to users. BrokerCheck displays a report that is developed from the information reported on Forms BD and BDW whereas IAPD provides links to the most recently filed Form ADV, Uniform Application for Investment Adviser Registration and Report by Exempt Reporting Advisers, and the Form ADV Part 2 Brochures in a Portable Document Format (''PDF'').

(c) Display of Additional Investment Adviser Representative Information

The SEC's Investor Advisory Committee (''IAC'') recommended the development of more complete, simple and centrally operated search functions that permit thorough understanding of the background of those offering financial products and financial advice.[14] Shortly after the IAC's recommendations were issued, FINRA and SEC staff began discussing how best to align changes to IAPD under consideration by the SEC with possible changes to BrokerCheck to provide users with more comprehensive, consistent, and easier access to information already publicly disseminated about individuals that is contained in both systems. On February 15, 2020, the SEC implemented changes to IAPD to display information that is already publicly disseminated through BrokerCheck.[15] As such, FINRA is proposing to amend Rule 8312 to make corresponding changes to allow the dissemination through BrokerCheck of information already publicly disseminated through IAPD about registered brokers who are, or were, licensed as investment adviser representatives. This change would allow users of BrokerCheck to obtain the available information about these individuals in a single search of BrokerCheck or IAPD and thereby minimize the need to access multiple databases.[16]

(d) Proposed Amendments

As previously discussed, information about brokers and investment adviser representatives is filed with the CRD system through certain registration forms. Some of the information reported for an investment adviser representative is displayed in BrokerCheck if such an individual also has, at some point, been registered as a broker. Specifically, the following information reported by an investment adviser representative (if displayed in IAPD) is made available through BrokerCheck:

- Current investment adviser firm (applies only to a currently registered investment adviser representative);
- identifying information (name changes, other names);
- employment history for the past 10 years;
- state qualification exams passed;
- other business activities; and
- disclosure events (excluding historic disclosure events).[17]

FINRA proposes to add new paragraph (d) to FINRA Rule 8312 to provide that FINRA may release through BrokerCheck information already publicly disseminated through IAPD about a BrokerCheck Associated Person currently associated with a BrokerCheck Firm who is, or was, licensed as an investment adviser representative.[18] Accordingly, under the proposed rule change, the following additional information would be displayed through BrokerCheck for those individuals who are currently dually registered as a broker and an investment adviser representative:

- State investment adviser representative licenses;
- current and past investment adviser firms, registered branches, and non-registered locations that are not private residences where the individual is or was registered;
- historic disclosure events; and
- professional designations.[19]

In addition, for those individuals who are currently registered as brokers and were previously registered as investment adviser representatives, BrokerCheck would display all of the publicly disseminated additional investment adviser representative information listed above, except for professional designations because a previously reported professional designation may no longer be in effect. However, if a registered broker currently holds a professional designation, this information would be displayed through BrokerCheck if reported by the broker via Form U4.

For any individual who currently is not registered as a broker, such as a currently registered investment adviser representative who was formerly registered as a broker, the additional investment adviser representative information referenced above would not be displayed through BrokerCheck. As it does today, BrokerCheck would continue to include a link to IAPD for those individuals who are or were previously registered in an investment adviser representative capacity so that investors could obtain further information about such individuals in that system.[20] Furthermore, FINRA

[12] With respect to investment adviser representatives, IARD provides for the filing of these Forms through the CRD system.

[13] To help investors access information on the minority of individuals who are not dually registered, FINRA in 2012 unified the search returns for the IAPD and BrokerCheck databases. This change resulted from a study released by SEC staff in January 2011 that included recommendations on improving investor access to investment adviser and broker-dealer registration information. The study was required by Section 919B of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010).

[14] The IAC's recommendations are available at *https://www.sec.gov/spotlight/investor-advisory-committee-2012/final_iac_backgroundcheck_recommendation_071615.pdf.*

[15] This information includes self-regulatory organization and state broker licenses, and broker qualification exams passed.

[16] FINRA notes that the proposed rule change would impact members that have elected to be treated as capital acquisition brokers (''CABs''), given that the CAB rule set incorporates the impacted FINRA rule by reference.

[17] Historic disclosure events (*i.e.,* certain disclosure events involving customer dispute information reported in the CRD system that became no longer reportable after an individual's first investment adviser representative registration was approved but before the individual's first broker registration was approved) currently are not included in BrokerCheck.

[18] A ''BrokerCheck Firm'' is a current or former FINRA member or a current or former member of a registered national securities exchange that uses CRD for registration purposes. *See* FINRA Rule 8312(a)(1). *See also* supra note 4.

[19] Should the SEC in the future make additional categories of information about investment adviser representatives publicly available in IAPD, FINRA will consult with the SEC regarding the dissemination of the additional information through BrokerCheck. The dissemination through BrokerCheck of the additional information may apply to those individuals who are currently dually registered as a broker and an investment adviser representative, as well as those individuals who are currently registered as a broker and were previously registered as an investment adviser representative.

[20] Similarly, with respect to firms, BrokerCheck will continue to include a link to the summary page of IAPD for a broker-dealer that also is registered as an investment adviser. From the IAPD summary page, users can easily view a PDF version of the most recently filed Form ADV for that firm. In

plans to add a notation in BrokerCheck for formerly registered brokers who currently are registered as investment adviser representatives indicating that more current information regarding the investment professional is available in IAPD.

FINRA has filed the proposed rule change for immediate effectiveness. FINRA anticipates that the implementation date of the proposed rule change will be June 20, 2020.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[21] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

Following ongoing discussions with SEC staff, FINRA is proposing to amend Rule 8312 to allow the dissemination through BrokerCheck of information already publicly disseminated through IAPD about registered brokers who are, or were, licensed as investment adviser representatives. The proposed rule change will align BrokerCheck with the changes the SEC implemented to IAPD on February 15, 2020, and will allow investors and other users of BrokerCheck to obtain the available information that already is publicly disseminated about these individuals in a single search of BrokerCheck or IAPD and thereby minimize the need to access multiple systems. FINRA believes that the proposed rule change will provide investors and other users of BrokerCheck with more consistent and easier access to information about the investment professionals with which they may conduct business because it will result in BrokerCheck displaying the same level of information that currently is available in IAPD.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Economic Impact Assessment

FINRA has undertaken an economic impact assessment, as set forth below, to further analyze the regulatory need for the proposed rule change, its potential economic impacts, including anticipated costs, benefits, and distributional and competitive effects, relative to the current baseline, and the alternatives FINRA considered in assessing how best to meet its regulatory objective.

Regulatory Need

BrokerCheck provides the public with information on the professional background, business practices, and conduct of FINRA member firms and their associated persons. FINRA believes, however, that changes to the information presented in BrokerCheck can make BrokerCheck more useful for investors and other users of the system. Accordingly, FINRA is proposing to add to BrokerCheck investment adviser representative information for those individuals who are currently registered as brokers, and who are currently or were previously registered as investment adviser representatives.

Economic Baseline

The economic baseline for the rule change is the current rule that addresses the types of information displayed in BrokerCheck. The proposal is expected to affect users of BrokerCheck, and currently and formerly registered firms and individuals. Users of BrokerCheck include investors, member firms and other entities in the financial services industry, and individuals registered as brokers or seeking employment in the brokerage industry.

The information displayed in BrokerCheck is derived from the CRD system. In general, the information enables users to make informed decisions regarding the firms currently registered as broker-dealers and the individuals currently registered as brokers. Decisions include the choice of firms or individuals to do business with or employ, and the choice of firms with which to seek employment.

The ability of users to access and review information related to individual brokers through BrokerCheck is constrained by certain limitations. One of these limitations is that BrokerCheck currently provides indirect access to information describing the investment advisory business of a broker, requiring users to access a separate system (IAPD) to gather additional information that could be relevant to their decision. The need to access a separate system increases users' search costs and reduces their ability to research and compare information about individuals in the brokerage industry.

Economic Impacts

The proposed rule change would increase the amount of investment adviser information available or accessible through BrokerCheck, but would not change the aggregate information available to users of BrokerCheck and IAPD. Users of BrokerCheck would no longer need to access a separate system—IAPD—to obtain the information for individuals currently registered as brokers who are, or were, licensed as investment adviser representatives.[22] The ability to review this information in a more efficient manner would reduce user search costs, particularly for users that seek individuals who are experienced in or can offer both brokerage and advisory services. These users would also benefit by doing business with or employing individuals or firms with individuals that are experienced in or can offer services more closely aligned with their needs, thereby increasing their economic welfare.

Information that may become available or more accessible through BrokerCheck includes information relating to historic disclosure events of investment adviser representatives. Disclosure events reported to the CRD system, which include customer complaints, have been found to be predictive of future misconduct.[23] The review and consideration of this additional information before the selection of an individual with whom to do business or to employ may improve investor protections by increasing the ability of users to understand the potential risk of misconduct. It is anticipated, however, that there will not be a significant number of Historic Disclosure events to be displayed

addition, Form CRS will be accessible through BrokerCheck and IAPD upon its implementation in 2020. *See* Form CRS Relationship Summary; Amendments to Form ADV, Securities Exchange Act Release No. 86032 (June 5, 2019), 84 FR 33492 (July 12, 2019).

[21] 15 U.S.C. 78*o*–3(b)(6).

[22] BrokerCheck maintains information on 3,610 firms currently registered as broker-dealers and 625,000 individuals currently registered as brokers. Among the firms currently registered as broker-dealers, 526 (15 percent) are currently registered as investment advisers and 130 (four percent) were formerly registered as investment advisers. Similarly, among the individuals currently registered as brokers, 295,120 (47 percent) are currently registered as investment adviser representatives, and 16,458 (three percent) were formerly registered as investment adviser representatives.

[23] *See* Hammad Qureshi & Jonathan Sokobin, *Do Investors Have Valuable Information About Brokers?* (2015), *https://www.finra.org/sites/default/files/OCE-Working-Paper.pdf. See also* Mark Egan, Gregor Matvos & Amit Seru, *The Market for Financial Adviser Misconduct,* 127(1) Journal of Political Economy 233–295 (2019); and Stephen G. Dimmock, & William C. Gerken, *Predicting Fraud by Investment Managers,* 105(1) Journal of Financial Economics 153–173 (2012).

through BrokerCheck. The economic impact of this aspect of the proposed rule change, therefore, is expected to be limited.

The proposed rule change is not expected to harm or hinder competition among individuals currently registered as brokers who were previously registered as investment adviser representatives. Under the proposed rule change, similar past employment information as an investment adviser representative would be displayed through BrokerCheck regardless of whether that previous employment was at (1) a firm dually registered as a broker-dealer and an investment adviser, or (2) a firm solely registered as an investment adviser. Information is also currently available through IAPD describing the investment adviser firms at which the individuals were previously employed.

Alternatives Considered

No alternatives were considered for this proposed rule change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor 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 [24] and Rule 19b–4(f)(6) thereunder.[25]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2020–012 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2020–012. 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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2020–012 and should be submitted on or before May 26, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–09374 Filed 5–1–20; 8:45 am]

BILLING CODE 8011–01–P

[24] 15 U.S.C. 78s(b)(3)(A).

[25] 17 CFR 240.19b–4(f)(6).

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, the Securities and Exchange Commission will hold an Open Meeting on Wednesday, May 6, 2020 at 1:00 p.m.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will begin at 1:00 p.m. (ET) and will be open to the public via audio webcast only on the Commission's website at *www.sec.gov.*

MATTER TO BE CONSIDERED: Whether to adopt a final order, following the issuance of a proposed order on January 8, 2020 for public comment, that would require the national securities exchanges for equities and FINRA to propose a single, new national market system (NMS) plan to increase transparency and address inefficiencies, conflicts of interest and other issues presented by the current governance structure of the three NMS plans that govern the public dissemination of real-time, consolidated equity market data for NMS stocks.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact Vanessa A. Countryman, Office of the Secretary, at (202) 551–5400.

Dated: April 29, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–09560 Filed 4–30–20; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: To Be Published.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Wednesday, May 6, 2020 at 1:00 p.m.

CHANGES IN THE MEETING: The Closed Meeting scheduled for Wednesday, May 6, 2020 at 1:00 p.m. has been changed to Wednesday, May 6, 2020 at 10:00 a.m.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the

Office of the Secretary at (202) 551–5400.

Dated: April 30, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–09626 Filed 4–30–20; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 1:00 p.m. on Wednesday, May 6, 2020.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topic:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: April 29, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–09529 Filed 4–30–20; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33857; File No. 812–15075]

First Trust Series Fund, *et. al.*

April 28, 2020.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order pursuant to: (a) Section 6(c) of the Investment Company Act of 1940 (''Act'') granting an exemption from sections 18(f) and 21(b) of the Act; (b) section 12(d)(1)(J) of the Act granting an exemption from section 12(d)(1) of the Act; (c) sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1), 17(a)(2) and 17(a)(3) of the Act; and (d) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements and transactions. Applicants request an order that would permit certain registered open-end management investment companies to participate in a joint lending and borrowing facility.

Applicants: First Trust Series Fund, First Trust Variable Insurance Trust, First Trust Exchange-Traded Fund, First Trust Exchange-Traded Fund II, First Trust Exchange-Traded Fund III, First Trust Exchange-Traded Fund IV, First Trust Exchange-Traded Fund V, First Trust Exchange-Traded Fund VI, First Trust Exchange-Traded Fund VII, First Trust Exchange-Traded Fund VIII, First Trust Exchange-Traded AlphaDEX® Fund, and First Trust Exchange-Traded AlphaDEX® Fund II, each an investment company organized as a Massachusetts business trust and registered under the Act as an open-end management investment company, and on behalf of each of their respective series [1], and First Trust Advisors L.P. (the ''Adviser''), an Illinois limited partnership registered as an investment adviser under the Investment Advisers Act of 1940.

Filing Dates: The application was filed on October 22, 2019 and amended on February 13, 2020.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request, personally, by mail, or by email. Hearing requests should be received by the Commission by 5:30 p.m. on May 25, 2020, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, *Secretarys-Office@sec.gov;* Applicants: Attention: W. Scott Jardine, 120 East Liberty Drive, Suite 400, Wheaton, IL 60187, *sjardine@ftportfolios.com.*

FOR FURTHER INFORMATION CONTACT: Lily D. Vo, Senior Counsel, at (202) 551–5431, or Kaitlin Bottock, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would permit the applicants to participate in an interfund lending facility where each Fund could lend money directly to and borrow money directly from other Funds to cover unanticipated cash shortfalls, such as unanticipated redemptions or sales fails.[2] The Funds will not borrow under

[1] Certain of the Funds (defined below) may be money market funds that comply with Rule 2a–7 under the Act (each a ''Money Market Fund Money Market Funds typically will not participate as borrowers under the interfund lending facility because they rarely need to borrow cash to meet redemptions.

[2] Applicants request that the order apply to the applicants and to any existing or future registered open-end management investment company or series thereof for which the Adviser or any successor thereto or an investment adviser controlling, controlled by, or under common control with the Adviser or any successor thereto serves as investment adviser (each a ''Fund'' and collectively the ''Funds'' and each such investment

Continued

the facility for leverage purposes and the loans' duration will be no more than 7 days.[3]

2. Applicants anticipate that the proposed facility would provide a borrowing Fund with a source of liquidity at a rate lower than the bank borrowing rate at times when the cash position of the Fund is insufficient to meet temporary cash requirements. In addition, Funds making short-term cash loans directly to other Funds would earn interest at a rate higher than they otherwise could obtain from investing their cash in repurchase agreements or certain other short term instruments. Thus, applicants assert that the facility would benefit both borrowing and lending Funds.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Among others, the Adviser, through a designated committee, would administer the facility as a disinterested fiduciary as part of its duties under the investment management agreements with the Funds and would receive no additional fee as compensation for its services in connection with the administration of the facility.[4] The facility would be subject to oversight and certain approvals by the Funds' Board, including, among others, approval of the interest rate formula and of the method for allocating loans across Funds, as well as review of the process in place to evaluate the liquidity implications for the Funds. A Fund's aggregate outstanding interfund loans will not exceed 15% of its net assets, and the Fund's loans to any one Fund will not exceed 5% of the lending Fund's net assets.[5]

4. Applicants assert that the facility does not raise the concerns underlying section 12(d)(1) of the Act given that the Funds are part of the same group of investment companies and there will be no duplicative costs or fees to the Funds.[6] Applicants also assert that the proposed transactions do not raise the concerns underlying sections 17(a)(1), 17(a)(3), 17(d) and 21(b) of the Act as the Funds would not engage in lending transactions that unfairly benefit insiders or are detrimental to the Funds. Applicants state that the facility will offer both reduced borrowing costs and enhanced returns on loaned funds to all participating Funds and each Fund would have an equal opportunity to borrow and lend on equal terms based on an interest rate formula that is objective and verifiable. With respect to the relief from section 17(a)(2) of the Act, applicants note that any collateral pledged to secure an interfund loan would be subject to the same conditions imposed by any other lender to a Fund that imposes conditions on the quality of or access to collateral for a borrowing (if the lender is another Fund) or the same or better conditions (in any other circumstance).[7]

5. Applicants also believe that the limited relief from section 18(f)(1) of the Act that is necessary to implement the facility (because the lending Funds are not banks) is appropriate in light of the conditions and safeguards described in the application and because the open-end Funds would remain subject to the requirement of section 18(f)(1) that all borrowings of the open-end Fund, including combined interfund loans and bank borrowings, have at least 300% asset coverage.

6. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Rule 17d–1(b) under the Act provides that in passing upon an application filed under the rule, the Commission will consider whether the participation of the registered investment company in a joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of the other participants.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–09378 Filed 5–1–20; 8:45 am]

BILLING CODE 8011–01–P

adviser an ''Adviser''). For purposes of the requested order, ''successor'' is limited to any entity that results from a reorganization into another jurisdiction or a change in the type of a business organization.

[3] Any Fund, however, will be able to call a loan on one business day's notice.

[4] Members of the designated committee may include one or more investment professionals, including individuals involved in making investment decisions regarding short-term investments.

[5] Under certain circumstances, a borrowing Fund will be required to pledge collateral to secure the loan.

[6] Applicants state that the obligation to repay an interfund loan could be deemed to constitute a security for the purposes of sections 17(a)(1) and 12(d)(1) of the Act.

[7] Applicants state that any pledge of securities to secure an interfund loan could constitute a purchase of securities for purposes of section 17(a)(2) of the Act.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88761; File No. SR–NYSEArca–2020–34]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 1.1 To Modify the Definition of ''UTP Derivative Securities Product'' and Rule 5.1–E(a) To Incorporate the Modified Definition of ''UTP Exchange Traded Product''

April 28, 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 April 16, 2020, NYSE Arca, Inc. (''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 amend (1) Rule 1.1 to modify the definition of ''UTP Derivative Securities Product'' and (2) Rule 5.1–E(a) to incorporate the definition of UTP Derivative Securities Product as set forth in revised Rule 1.1. The proposed rule change is available

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend (1) Rule 1.1 to modify the definition of ''UTP Derivative Securities Product'' and (2) Rule 5.1–E(a) to incorporate the definition of UTP Derivative Securities Product as set forth in revised Rule 1.1.

Rule 1.1

Rule 1.1(k) currently provides that the term ''Derivative Securities Product'' means a security that meets the definition of ''derivative securities product'' in Rule 19b–4(e) under the Securities Exchange Act of 1934 and a ''UTP Derivative Securities Product'' means a Derivative Securities Product that trades on the Exchange pursuant to unlisted trading privileges. The Exchange proposes to amend the definition of ''UTP Derivative Securities Product'' to mean one of the following Derivative Securities Products that trades on the Exchange pursuant to unlisted trading privileges: Equity Linked Notes, Investment Company Units, Index-Linked Exchangeable Notes, Equity Gold Shares, Equity Index-Linked Securities, Commodity-Linked Securities, Currency-Linked Securities, Fixed-Income Index-Linked Securities, Futures-Linked Securities, Multifactor-Index-Linked Securities, Trust Certificates, Currency and Index Warrants, Portfolio Depository Receipts, Trust Issued Receipts, Commodity-Based Trust Shares, Currency Trust Shares, Commodity Index Trust Shares, Commodity Futures Trust Shares, Partnership Units, Paired Trust Shares, Trust Units, Managed Fund Shares, Managed Trust Securities, and Managed Portfolio Shares.

This proposed change is based on NYSE National, Inc. (''NYSE National'') Rule 1.1(m) and NYSE Chicago, Inc. (''NYSE Chicago'') Rule 1.1(k).[4] This list is designed to align the rules of the Exchange with the rules of NYSE National and NYSE Chicago and to enumerate the types of Derivative Securities Products to which the Exchange would extend unlisted trading privileges (''UTP'').

Rule 5.1–E(a)

Rule 5.1–E(a)(1) provides that the Exchange may extend UTP to any security that is an NMS stock (as defined in Rule 600 of Regulation NMS under the Act) that is listed on another national securities exchange. Rule 5.1–E(a)(2) further specifies that a UTP Derivative Security, which is defined in that Rule as a ''new derivative securities product'' as defined in Rule 19b–4(e) under the Exchange Act and traded pursuant to Rule 19b–4(e) under the Act, would be subject to the additional rules enumerated in Rule 5.1–E(a)(2)(i)–(v).

Because the Exchange proposes to modify the definition of UTP Derivative Securities Product in Rule 1.1(k) to conform to the rules of NYSE National and NYSE Chicago, the Exchange proposes to amend Rule 5.1–E(a)(2) to eliminate redundant text and cross reference the term ''UTP Derivative Securities Product'' as it is defined in Rule 1.1. This proposed change would also conform Rule 5.1–E(a) with the comparable NYSE National rule.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, because it is designed to remove impediments to and perfect the mechanism of a free and open market, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

The Exchange believes its proposed rule change ensures that Rule 1.1 identifies and publicly states the complete list of Derivative Securities Products to which UTP may be extended for trading on the Exchange. The Exchange also believes that the proposed rule change removes impediments to and perfects the mechanism of a free and open market, promotes just and equitable principles of trade, and protects investors and the public interest by promoting consistency with the rules of the Exchange's affiliated markets and by providing additional specificity, clarity, and transparency in the Exchange's rules with respect to the Derivative Securities Products that may be traded on a UTP basis on the Exchange.

The Exchange believes that its proposal to amend Rule 5.1–E(a)(2) also removes impediments to and perfects the mechanism of a free and open market, promotes just and equitable principles of trade, and protects investors and the public interest because it proposes to conform this rule governing the trading of UTP Derivative Securities Products with the comparable rule of the Exchange's affiliated market, NYSE National, which has been approved by the Commission.[7] The proposed rule change would also remove impediments to and perfect the mechanism of a free and open market and a national market system and protect investors and the public interest by promoting continuity across affiliated exchanges.

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 proposed change would conform Exchange rules, as described herein, with the comparable rules of its affiliated exchanges, NYSE National and NYSE Chicago, and permit UTP trading of Derivative Securities Products on the Exchange in a manner consistent with its affiliated exchanges.

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.

[4] NYSE National and NYSE Chicago have filed proposed rule changes for immediate effectiveness to amend their respective rules to add Managed Portfolio Shares to their definitions of UTP Exchange Traded Products. *See* SR–NYSENAT–2020–16 (filed April 16, 2020) and SR–NYSECHX–2020–13 (filed April 16, 2020).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) & (5).

[7] In its Order approving the NYSE National rule on which this proposed change is based, the Commission found that the NYSE National rules set forth an ''appropriate framework for the trading of Exchange Traded Products on a UTP basis on the Exchange'' and are consistent with Section 6(b)(5) of the Act. *See* Securities and Exchange Act Release No. 83289 (May 17, 2018), 83 FR 23968 (May 23, 2018), at 23975.

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 [8] and Rule 19b–4(f)(6) thereunder.[9]

A proposed rule change filed under Rule 19b–4(f)(6) [10] normally does not become operative for 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[11] the Commission may 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 proposal may become operative immediately upon filing. The Commission notes that the Exchange's proposal would conform the Exchange's rules, as described herein, to the corresponding rules of its affiliated exchanges.[12] Accordingly, the Commission believes that the proposal raises no new or novel regulatory issues and waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission therefore waives the 30-day operative delay and designates the proposed rule change to be operative upon filing.[13]

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.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 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.

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] *See* NYSE National Rules 1.1 and 5.1 and NYSE Chicago Rule 1.1.

[13] 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).

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–2020–34 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–2020–34. 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–2020–34 and should be submitted on or before May 26, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–09372 Filed 5–1–20; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–88764; File No. SR–NYSEARCA–2020–35]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Schedule of Fees and Charges

April 28, 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 April 17, 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 its Schedule of Fees and Charges to adopt listing and annual fees for Exchange-Traded Fund Shares listed under recently adopted Rule 5.2–E(j)(8). 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,

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Schedule of Fees and Charges to adopt listing fees and annual fees for Exchange-Traded Fund Shares listed under recently adopted Rule 5.2–E(j)(8) (''Fund Shares'').

The proposed changes respond to the current extremely competitive environment for ETP listings in which issuers can readily favor competing venues or transfer their listings if they deem fee levels at a particular venue to be excessive, or discount opportunities available at other venues to be more favorable. As described below, the Exchange does not propose different pricing for Fund Shares. Rather, the Exchange proposes to incorporate Fund Shares into the existing listing and annual fees charged by the Exchange for Exchange Traded Products (''ETPs'').[4]

The proposed changes are designed to incentivize issuers to list new Fund Shares, transfer existing products to the Exchange, and maintain listings on the Exchange, which the Exchange believes will enhance competition both among issuers and listing venues, to the benefit of investors.

The Exchange proposes to implement the fee changes effective April 17, 2020.

Proposed Rule Change

On April 13, 2020, the Commission approved Rule 5.2–E(j)(8).[5] Rule 5.2–E(j)(8) establishes generic listing standards for Fund Shares, which are Derivative Securities Products permitted to operate in reliance on Rule 6c–11 under the Investment Company Act of 1940.[6] In order to specify pricing for Fund Shares, the Exchange proposes the following changes to the Schedule of Fees and Charges.

Listing Fees

Listing fees for ETPs are set forth in section 5.a. of the Schedule of Fees and Charges. Currently, with the exception of various products defined as ''Generically-Listed Exchange Traded Products,''[7] the Exchange charges a $7,500 listing fee. The Exchange currently does not charge a listing fee for listing products pursuant to Rule 19b–4(e) under the Act if they satisfy all criteria—referred to as ''generic'' listing criteria—in the applicable Exchange ETP rule. The Schedule of Fees and Charges refers to these as ''Generically-Listed Exchange Traded Products.''

The Exchange proposes to include Fund Shares in the definition of ''Generically-Listed Exchange Traded Products'' in section 5.a. of the Schedule of Fees and Charges and, accordingly, not charge a listing fee for Fund Shares.

The Exchange believes that, for purposes of listing fees, it would be appropriate to treat Fund Shares like other ''Generically-Listed Exchange Traded Products'' and not charge a listing fee because doing so would correlate the listing fee applicable to an issuer of ETPs to the resources required to list and maintain those ETPs on the Exchange. Specifically, since Fund Shares are eligible to list under the listing standards for ETFs that are permitted to operate in reliance on Rule 6c–11 pursuant to Rule 5.2–E(j)(8), Fund Shares would not require a separate proposed rule change pursuant to Rule 19b–4 before listing and trading on the Exchange. As such, Fund Shares will not incur the additional time and resources required by Exchange staff to prepare and review rule filings and to communicate with issuers and Commission staff in connection therewith necessary for ETPs listed and traded pursuant to a rule change.

Annual Fees

Annual fees for ETPs are based on the number of shares outstanding per issuer.[8] Currently, as set forth in section 6.a. of the Schedule of Fees and Charges, the Exchange charges the following annual fees for listed ETPs, with the exception of Managed Fund Shares and Managed Trust Securities:

Number of shares outstanding (each issue)	Annual fee
Less than 25 million	$7,500
25 million up to 49,999,999	10,000
50 million up to 99,999,999	15,000
100 million up to 249,999,999	20,000
250 million up to 499,999,999	25,000
500 million and over	30,000

As set forth in section 6.b. of the Schedule of Fees and Charges, the Exchange charges the following annual fees for Managed Fund Shares and Managed Trust Securities

Number of shares outstanding (each issue)	Annual fee
Less than 25 million	$10,000
25 million up to 49,999,999	12,500
50 million up to 99,999,999	20,000
100 million up to 249,999,999	25,000
250 million and over	30,000

The Exchange proposes to charge annual fees for Fund Shares that track how the Exchange currently charges annual fees. Accordingly, for Fund Shares that track an index, the Exchange proposes to charge the annual fees set forth in section 6.a. of the Schedule of Fees and Charges. For Fund Shares that do not track an index, and are more akin to Managed Fund Shares under the current listing rules, the Exchange proposes to charge the annual fees set forth in section 6.b. of the Schedule of Fees and Charges.

The Exchange believes that it is appropriate to charge Fund Shares that track an index the annual fees set forth in section 6.a of the Schedule of Fees and Charges. The relatively lower annual fees charged for ETPs that are not Managed Fund Shares and Managed Trust Securities better correlate with the ongoing Exchange costs associated with listing and trading Fund Shares that track an index and are not actively managed, including costs related to issuer services, listing administration, product development and regulatory oversight.

For similar reasons, the Exchange believes that charging Fund Shares that do not track an index the current annual fees applicable to Managed Fund Shares and Managed Trust Securities would be appropriate because those annual fees better correlate with higher Exchange costs associated with similar actively managed products such as Managed Fund Shares and Managed Trust Securities, including costs related to issuer services, listing administration,

[4] ''Exchange Traded Products'' are defined in footnote 3 of the current Schedule of Fees and Charges. The Exchange proposes to modify the definition to include Fund Shares.

[5] *See* Securities Exchange Act Release No. 88625 (April 13, 2020) (SR–NYSEArca–2019–81).

[6] 15 U.S.C. 80a–1.

[7] ''Generically-Listed Exchange Traded Products'' currently include Investment Company Units, Portfolio Depositary Receipts, Managed Fund Shares, and Currency Trust Shares that are listed on the Exchange pursuant to Rule 19b–4(e) under the Act, and for which a proposed rule change pursuant to Section 19(b) of the Act is not required to be filed with the Commission.

[8] Annual fees are assessed each January in the first full calendar year following the year of listing. The aggregate total shares outstanding is calculated based on the total shares outstanding as reported by the Fund issuer or Fund ''family'' in its most recent periodic filing with the Commission or other publicly available information. Annual fees apply regardless of whether any of these Funds are listed elsewhere.

product development and regulatory oversight.

Finally, as noted above, the Exchange proposes to add Fund Shares to current footnote 3 which defines the term ''Exchange Traded Products'' for purposes of the Schedule of Fees and Charges.

Each of the proposed changes described above are not otherwise intended to address other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

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 Change Is Reasonable

As discussed above, the Exchange operates in a highly competitive market for the listing of ETPs. Specifically, ETP issuers can readily favor competing venues or transfer listings if they deem fee levels at a particular venue to be excessive, or discount opportunities available at other venues to be more favorable. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, 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]

The Exchange believes that the ongoing competition among the exchanges with respect to new listings and the transfer of existing listings among competitor exchanges demonstrates that issuers can choose different listing markets in response to fee changes. Accordingly, competitive forces constrain exchange listing fees. Stated otherwise, changes to exchange listing fees can have a direct effect on the ability of an exchange to compete for new listings.

Given this competitive environment, the proposal represents a reasonable attempt to establish pricing for ETPs listed under recently adopted Rule 5.2–E(j)(8).

The Exchange currently does not charge listing fees for ETPs that satisfy generic listing criteria set forth in its rules. The Exchange believes that it is reasonable to also not charge a listing fee to Fund Shares that meet the listing criteria set forth in Rule 5.2–E(j)(8). As noted, not charging a listing fee to another type of ETP that can list without a rule filing pursuant to Rule 19b–4 would correlate the listing fee to the Exchange resources required to list and maintain such ETPs. Products that list without a rule filing do not entail the additional time and resources required for ETPs that require a rule filing.

Annual fees for ETPs are based on the number of shares outstanding per issuer, and then are further differentiated based on whether the ETP is index based or not, with higher annual fees for ETPs that are not based on an index. The Exchange believes that it is reasonable to charge annual fees for Fund Shares based on that same differentiation. The Exchange believes that charging Fund Shares that track an index the same annual fees the Exchange currently charges other ETPs that are not Managed Fund Shares and Managed Trust Securities would be reasonable because those relatively lower annual fees better correlate with the ongoing Exchange costs associated with listing and trading an ETP that tracks an index, including costs related to issuer services, listing administration and product development. Further, the Exchange believes that charging Fund Shares that do not track an index the current annual fees applicable to Managed Fund Shares and Managed Trust Securities, which are also actively managed products, would be reasonable because those annual fees better correlate with the higher Exchange costs for listing and trading active Fund Shares that track an index, including costs related to issuer services, listing administration, product development and regulatory oversight.

The Proposal Is an Equitable Allocation of Fees

The Exchange believes its proposal equitably allocates its fees among its market participants. In the prevailing competitive environment, issuers can readily favor competing venues or transfer listings if they deem fee levels at a particular venue to be excessive, or discount opportunities available at other venues to be more favorable.

The proposed listing and annual fees for Fund Shares are equitable because the proposed increased annual fees would apply uniformly to all issuers. Moreover, the proposed fees would be equitably allocated among issuers because issuers would continue to qualify for the listed fee based on issuing ETPs that are Fund Shares and for the annual fee based on the number of shares outstanding and under criteria applied uniformly to all such issuers.

The proposal neither targets nor will it have a disparate impact on any particular category of market participant. The proposed annual fees would be applicable to all existing and potential issuers of Fund Shares uniformly and in equal measure.

The Proposal Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. In the prevailing competitive environment, issuers are free to list elsewhere if they believe that alternative venues offer them better value.

The Exchange believes it is not unfairly discriminatory to offer the same listing fee for Fund Shares as are currently applicable to products listed under the Exchange's other generic listing standards. As noted, products that list without a rule filing are not charged a listing fee.

Further, the Exchange believes it is not unfairly discriminatory to apply the same fees applicable to ETPs with the exception of Managed Fund Shares and Managed Trust Securities to Fund Shares that track and index, and to apply the same fees applicable to Managed Fund Shares and Managed Trust Securities to Fund Shares that do not track and index, because the proposed fees would be offered on an equal basis to all issuers listing Fund Shares on the Exchange. Moreover, the proposed annual fees for Fund Shares would apply to issuers in the same manner as the current annual fees for ETPs and Managed Fund Shares and Managed Trust Securities.

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.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[12] the Exchange believes that the

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) & (5).

[11] *See* Regulation NMS, 70 FR at 37499.

[12] 15 U.S.C. 78f(b)(8).

proposed rule change would not 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 competition because it would establish listing and annual fees for Fund Shares, thereby encouraging issuers to develop and list additional products on the Exchange that the Exchange believes will enhance competition both among issuers and listing venues, to the benefit of investors. The proposal also ensures that the fees charged by the Exchange accurately reflect the services provided and benefits realized by listed issuers. The market for listing services is extremely competitive. Issuers have the option to list their securities on these alternative venues based on the fees charged and the value provided by each listing exchange. Because issuers have a choice to list their securities on a different national securities exchange, the Exchange does not believe that the proposed fee changes impose a burden on competition.

Intramarket Competition. The proposed changes are designed to attract additional listings to the Exchange by establishing listing and annual fees for an ETPs listed under a new rule. The Exchange believes that the proposed changes would continue to incentivize issuers to develop and list new products, transfer existing products to the Exchange, and maintain listings on the Exchange. The proposed fees and discounts would be available to all issuers, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive listings market in which issuers can readily choose alternative listing venues. In such an environment, the Exchange must adjust its fees and discounts to remain competitive with other exchanges competing for the same listings. Because competitors are free to modify their own fees and discounts in response, and because issuers may readily adjust their listing decisions and practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition. As such, the proposal is a competitive proposal designed to enhance pricing competition among listing venues and implement pricing for Fund Shares to reflect the revenue and expenses associated with listing on the Exchange.

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) [13] of the Act and subparagraph (f)(2) of Rule 19b–4 [14] 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) [15] 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–2020–35 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–2020–35. 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–2020–35, and should be submitted on or before May 26, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2020–09375 Filed 5–1–20; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(2).

[15] 15 U.S.C. 78s(b)(2)(B).

[16] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before July 6, 2020.

ADDRESSES: Send all comments to Mary Frias, Loan Specialist, Office of

Financial Assistance, Small Business Administration, 409 3rd Street SW, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Mary Frias, Loan Specialist, Office of Financial Assistance, *mary.frias@sba.gov* 202–401–8234, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov;*

SUPPLEMENTARY INFORMATION: The Small Business Administration collects this information from lenders who participate in the 7(a) and Secondary Market program. The information is used to facilitate and administer secondary market transactions in accordance with 15 U.S.C. 634(f)3 and to monitor the program for compliance with 15 U.S.C. 639(h).

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information. Enhancements under review with SBA include a reorganization of the terms and conditions of the Form 1086 to improve the respondent's understanding of the rights, responsibilities and obligations contained in the Form, and to format both documents in anticipation of a transition to an electronic interface.

Summary of Information Collection

Title: Secondary Participation Guaranty Agreement.

Description of Respondents: Small Business Lending Companies.

Form Number: SBA Forms 1502, 1086.

Total Estimated Annual Responses: 4,000.

Total Estimated Annual Hour Burden: 60,000.

Curtis Rich,

Management Analyst.

[FR Doc. 2020–09448 Filed 5–1–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before July 6, 2020.

ADDRESSES: Send all comments to Kimberly Russell, Program Analyst, OED Performance, Office of Entrepreneurial Development, U.S. Small Business Administration, 409 3rd Street SW Suite 6200, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Kimberly Russell, Program Analyst, OED Performance, 202–401–1615, *Kimberly.russell@sba.gov* or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: Small Business Administration's Entrepreneurial Development programs collect information on small business owners or potential owners that receive counseling and training through SBA's resource partners, including Women's Business Centers, Small Business Development Centers, SCORE, and Veterans Business Outreach Centers. The information supports SBA's budget requests, reporting, performance plans, and other submissions to the President, Congress and Office of Management and Budget.

Title: Entrepreneurial Development Customer Intake Form & Training Report Form.

Abstract: SBA Forms 641 (Client Intake Form) and 888 (Training Form) are used to collect counseling, training and economic impact information from SBA Resource Partners and contractors that deliver business technical assistance. The forms are used in each instance of assistance received (counseling or training). This data is used to understand the outputs and outcomes realized by SBA Resource Partners. Small revisions to the current Form 641 will be made to reduce burden.

Description of Respondents: Individuals who receive counseling or training through SBA's Resource Partners, SBA Resource Partners, (including Small Business Development Centers (SBDC), and SCORE), and other SBA business technical assistance providers.

Solicitation of Public Comments

SBA is requesting comments on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information collected.

SBA Form Numbers: 641, 888.

Summary of Information Collection

Title: Entrepreneurial Development Management Information System (EDMIS), Counseling Information Form and Management Training Report

Description of Respondents: Resource Partners (SCORE, Small Business Development Centers (SBDCs), Women's Business Centers (WBCs)) and Veterans Business Outreach Centers (VBOCs) to existing and prospective small businesses and entrepreneurs.

Form Number: SBA Forms 641, 888

Total Estimated Annual Responses: 403,000

Total Estimated Annual Hour Burden: 83,517

Curtis Rich,

Management Analyst.

[FR Doc. 2020–09454 Filed 5–1–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before July 6, 2020.

ADDRESSES: Send all comments to Mary Frias, Loan Specialist, Office of Financial Assistance, Small Business Administration, 409 3rd Street SW, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Mary Frias, Loan Specialist, Office of

Financial Assistance, *mary.frias@sba.gov* 202–401–8234, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov;*

SUPPLEMENTARY INFORMATION:

Title: ''Secondary Market for Section 504 First Mortgage Loan Pool Program''

Abstract: These forms captures the terms and conditions of the Small Business Administration's (SBA) Secondary Market for Section 504 First Mortgage Loan Pool Program. SBA needs this information collection is order to identify program participants, terms of financial transactions involving federal government guaranties, and reporting on program efficiency, including the proper use of Recovery Act funds.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: Secondary Market for Section 504 First Mortgage Loan Pool Program.

Description of Respondents: Secondary Market Loan Programs.

Form Number: SBA Forms 2401, 2402, 2403. 2404.

Total Estimated Annual Responses: 12,490.

Total Estimated Annual Hour Burden: 33,075.

Curtis Rich,

Management Analyst.

[FR Doc. 2020–09459 Filed 5–1–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA) requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before June 3, 2020.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov.*

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: This collection is essential to the Agency's mission because if SBA designates an area as a Governor-designated covered area, based on the information provided by the State Governor, additional small businesses may become eligible for certification as HUBZone small business concerns, which in turn will provide them with more contracting opportunities. These additional contracting opportunities create incentives for individuals to start small businesses and allow existing small businesses to grow. SBA has taken all practicable steps to consult with interested agencies and members of the public to minimize the burden of this information collection. SBA intends to make available on its website a list of the areas within each State that meet the statutory definition of ''covered area'' according to the most recent Bureau of the Census data. This will minimize the burden on State governments by eliminating the need to gather this data and do the necessary analysis to determine which areas may meet the definition of ''covered area.''

Finally, pursuant to 5 CFR 1320.13(d), SBA also requests a waiver from the requirement to publish a 60-day notice in the **Federal Register** requesting comments on this information collection. SBA will publish the required notice as part of the standard submission process before the emergency approval expires.

Summary of Information Collection

Title: HUBZone Program Petition for Governor-Designated Covered Areas.

Description of Respondents: HUBZone Small Business concerns.

Form Number: N/A.

Annual Responses: 53.

Annual Burden: 265.

Curtis Rich,

Management Analyst.

[FR Doc. 2020–09428 Filed 5–1–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before July 6, 2020.

ADDRESSES: Send all comments to Sandra Johnston, Program Analyst, Office of Economic Opportunity, Small Business Administration, 409 3rd Street SW, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Sandra Johnston, Program Analyst, Office of Economic Opportunity, *Sandra.johnston@sba.gov* 202–205–7528, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: SBA has established a pilot loan program, the Intermediary Lending Pilot Program (ILPP), to make direct loans to eligible intermediaries, for the purpose of making loans to startup, newly established, and growing small business concerns. This requested information, which will be provided by intermediaries will be used to monitor program effectiveness while minimizing risk to the federal taxpayer.

Solicitation of Public Comments

SBA is requesting comments on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether

there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: Intermediary Lending Pilot Program Application and Reporting Requirements Description of Respondents: Intermediary Lenders.

Form Numbers: 2418, 2419.

Total Estimated Annual Responses: 432.

Total Estimated Annual Hour Burden: 3,168.

Curtis Rich,

Management Analyst.

[FR Doc. 2020–09457 Filed 5–1–20; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Drone Advisory Committee (DAC); Notice of Public Meeting

AGENCY: Federal Aviation Administration, Department of Transportation.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a meeting of the Drone Advisory Committee.

DATES: The meeting will be held on June 19, 2020, between 9:00 a.m. and 4:00 p.m. Eastern Time.

Requests to attend the meeting must be received by June 12, 2020.

Requests for accommodations for a disability must be received by June 5, 2020.

Requests to submit written materials to be reviewed during the meeting must be received no later than June 12, 2020.

ADDRESSES: The meeting will be held virtually. Members of the public who wish to observe the meeting must RSVP by emailing *DACmeetingRSVP@faa.gov.* For copies of meeting minutes along with all other information please visit the DAC internet website at *https://www.faa.gov/uas/programs_partnerships/drone_advisory_committee/.*

FOR FURTHER INFORMATION CONTACT: Gary Kolb, UAS Stakeholder & Committee Liaison, Federal Aviation Administration, U.S. Department of Transportation, at *gary.kolb@faa.gov* or 202–267–4441. Any committee related request or reasonable accommodation request should be sent to the person listed in this section.

SUPPLEMENTARY INFORMATION:

I. Background

The DAC was created under the Federal Advisory Committee Act (FACA), in accordance with Title 5 of the United States Code (5 U.S.C. App. 2) to provide the FAA with advice on key UAS integration issues by helping to identify challenges and prioritize improvements.

II. Agenda

At the meeting, the agenda will cover the following topics:

- Official Statement of the Designated Federal Officer
- Approval of the Agenda and Minutes
- Opening Remarks
- FAA Update
- Industry-Led Technical Topics
- New Business/Agenda Topics
- Closing Remarks
- Adjourn

Additional details will be posted on the DAC internet website address listed in the **ADDRESSES** section at least 5 days in advance of the meeting.

III. Public Participation

The meeting will be open to the public on a first-come, first-served basis, as space is limited. Members of the public who wish to attend in person or observe the virtual session must RSVP by emailing the address listed in the **ADDRESSES** section with your name and affiliation. The U.S. Department of Transportation is committed to providing equal access to this meeting for all participants. If you need alternative formats or services because of a disability, such as sign language, interpretation, or other ancillary aids, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

The FAA is not accepting oral presentations at this meeting due to time constraints. Written statements submitted by the deadline will be provided to the DAC members before the meeting. Any member of the public may submit a written statement to the committee at any time.

Issued in Washington, DC.

Erik W. Amend,

Manager, Executive Office, UAS Integration Office, AUS–10, Federal Aviation Administration.

[FR Doc. 2020–09394 Filed 5–1–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2020–0130]

Registration and Financial Security Requirements for Brokers of Property and Freight Forwarders; Small Business in Transportation Coalition (SBTC) Exemption Application

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of correction; extension of comment period.

SUMMARY: FMCSA corrects the public docket number referenced in its April 10, 2020, notice announcing that the Small Business in Transportation Coalition (SBTC) seeks reconsideration of an August 14, 2013, application by the Association of Independent Property Brokers and Agents (AIPBA) for an exemption from the $75,000 bond requirement for all property brokers and freight forwarders. The Agency also extends the public comment period for that notice.

DATES: Comments must be received on or before June 3, 2020.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2020–0130 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the *Public Participation and Request for Comments* section below for further information.
- *Mail:* Send comments to Docket Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Bring comments to Docket Operations, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.
- *Fax:* (202) 493–2251
- Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.
- *Docket:* For access to the docket to read background documents or comments, go to *www.regulations.gov* at

any time or visit Docket Operations, Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

Privacy Act: DOT posts public comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; (202) 366–4325; *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION: On April 10, 2020 (85 FR 20334), FMCSA published a notice announcing that SBTC seeks reconsideration of an August 14, 2013, application by the AIPBA for an exemption from the $75,000 bond requirement for all property brokers and freight forwarders. The notice referenced in error ''FMCSA–2020–0239'' as the docket number for the submission of public comments. The correct docket number for this notice is ''FMCSA–2020–0130.''

All interested parties that would like to see the SBTC's request, read the public comments concerning this matter, or submit comments should use ''FMCSA–2020–0130'' when visiting *http://www.regulations.gov.* Any comments concerning SBTC's request, and submitted to docket number FMCSA–2020–0239 prior to the publication of this notice will be transferred to docket number FMCSA–2020–0130.

In addition to correcting the docket number, FMCSA extends the comment period to ensure that interested parties have sufficient time to review the SBTC request filed under the proper docket, and submit comments to that docket.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–09467 Filed 5–1–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0108]

Denial of Motor Vehicle Defect Petition, DP14–001

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a petition submitted on November 14, 2013, by Mr. Donald Friedman to NHTSA's Office of Defects Investigation (ODI). The petition requests that the agency commence a proceeding to determine the existence of a defect related to motor vehicle safety with respect to the air bag system's logic and algorithm. The Petitioner alleges that a defect in the Occupant Classification System (OCS) in various model year (MY) 2004–2010 General Motors (GM) vehicles causes an unintended suppression of the front passenger air bag moments prior to a frontal impact/crash. After examination of the petition and available data relating to the subject vehicles' OCS and the specific crash incident where the OCS allegedly failed to operate properly, NHTSA has concluded that further expenditure of the agency's investigative resources on the issues raised by the petition is not warranted. The agency accordingly has denied the petition. The agency will continue to monitor OCS performance in subject vehicles and may take further action as appropriate. The petition is hereinafter identified as DP14–001.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Yon, Vehicle Defects Division B, Office of Defects Investigation, NHTSA, 1200 New Jersey Ave. SE, Washington, DC 20590, desk phone 202–366–0139.

SUPPLEMENTARY INFORMATION: By letter dated November 14, 2013, Mr. Donald Friedman of Santa Barbara, CA, submitted a petition requesting that the agency investigate the passenger air bag OCS in MY 2004–2010 GM models. The petition was based on an April 2011 crash occurring in Texas, involving a MY 2008 Chevrolet Impala which was occupied by an elderly couple with a 108- pound female spouse driving the vehicle and a 170-pound male sitting in the passenger seat; both occupants were belted. The Impala veered off the left inner lane and across the left shoulder lane and impacted the median Jersey barrier multiple times. The vehicle impacted the barrier with a force sufficient to cause the vehicle to run up/climb the barrier and to deploy the front driver air bag; the passenger air bag was not deployed due to OCS suppression. Both occupants were injured, and the male passenger developed additional medical complications post-crash. The petitioner alleges that the weight-based OCS algorithm used in the MY 2008 Chevrolet Impala is defective based on his assessment that, in this crash, it inaccurately changed the occupant classification and suppressed the passenger air bag moments prior to the frontal impact. In addition, the petitioner alleges that GM used this type of OCS in other GM models since 2003, and therefore all MY 2004–2010 GM models may be similarly defective. The petitioner cites an Insurance Institute for Highway Safety (IIHS) report and FARS data to further support his allegation.

ODI contacted the Petitioner for clarification, and in support of these claims the Petitioner provided additional information on February 14, 2014, and again on May 8, 2014. In the initial phase, ODI reviewed the submitted petition and subsequent information, which includes the following documents and data related to the Impala crash: an air bag control module event data record/output, an OCS data record/output, the police accident report, vehicle photos, accident scene photos, and medical records for the occupants. ODI also reviewed the IIHS Status Report and the Fatal Accident Reporting System (FARS) data analysis the petitioner provided. In addition, ODI conducted an initial review of other internally available databases for information that may indicate a defect condition or trend with the subject vehicles' OCS. This includes: consumer VOQ reports on MY 2004–2014 Impala injury crashes that alleged an abnormal air bag deployment or a non-deployment of the passenger side air bag in the frontal crash event, a search of the NHTSA's National Automotive Sampling System, a search of the NHTSA Special Crash Investigations (SCI) reports and cases indicating split deployments (where the driver's frontal air bag deployed but the occupied passenger's air bag did not) and GM's Early Warning Reporting data on death and injury for Impala vehicles.

The results of these initial reviews did not identify an OCS-related defect trend in the MY 2004–2014 Impala. However, out of an abundance of caution, NHTSA undertook a more detailed review of the subject Impala's OCS, which included a request to GM for GM data on the MY

2006 to 2008 Impala as it related to the alleged OCS issue.

On July 22, 2014, ODI opened a Defect Petition (DP14–001) to further review the crash event, perform a more comprehensive FARS search and analysis, and collect the manufacturer's reports on the alleged OCS issue on the subject Impala vehicles and other GM and non-GM peer vehicles. The specific OCS used in the Impala is widely used in other GM products as well as non-GM peer vehicles. From the period of MY 2006–2008, over 850,000 Impala vehicles were equipped with this OCS. 1 million (M) GM peer vehicles and another 2.1 M non-GM peer vehicles sold in the US also used a substantially similar OCS. With such widespread usage, any defect concern in this OCS should be readily detectable in the Impala and in other peer vehicles using the same OCS design.

The following is a summary of the reviews and analysis conducted during DP14–001:

• *Description of the Passenger Occupant Detection System:* Per FMVSS 208, all light duty passenger vehicles were required to have a passenger occupant detection system, capable of detecting an adult, infant/child or an empty seat, by the start of vehicle production for MY 2006. When the passenger seat is empty, or occupied by an infant/child or person weighing less than specified threshold amounts, the passenger frontal air bag is suppressed and will not deploy in the event of a frontal crash that would otherwise require the frontal air bag to deploy. The OCS used in the subject Chevrolet Impala, commonly known as the PODS–B (Passive Occupant Detection System-B) design, is a widely-used system that detects the weight of the passenger via a pressure sensing fluid-filled bladder mat integrated into the seat base cushion. When the occupant/load is removed from the seat, the system resets and readies for any new occupant types within seconds of load removal. Additional features are incorporated into the OCS design to reduce the likelihood that the system will change classification state due to normal vehicle road dynamics/bumps and certain types of occupant movements within the seat. The system can also lock the classification state just prior to an impact to prevent classification change during a crash event.

• *Review of the Petitioner's Cited April 2011 Crash Event:* To better understand this multi-impact crash condition, ODI requested NHTSA's Special Crash Investigation Office (SCI) assist in the review of the crash event, crash scene and the available crash data/records. The following is ODI's summary of the crash event and details provided in the SCI report under reference number CR14068. Supplemental GM assessment is also added and noted. The status of the passenger OCS is shown in ''[ ]'' where appropriate:

○ On the day of the event, no prior air bag issues or faults were noted as recorded in the EDR data (*i.e.* the OCS was operational prior to the crash event).

○ The incident occurred on a 6-lane divided highway (3 lanes for each direction plus ''pull over lane,'' separated by a concrete Jersey barrier).

○ The subject MY 2008 Impala was in the left-most lane going approximately 65mph.

○ The subject vehicle (SV) was driven by an 86-year old restrained female driver [the passenger air bag was enabled/ON while occupied by the male spouse].

○ 1st Event—An unknown sport utility vehicle in front of the SV moved over from the middle lane into the SV's left lane, impacting the SV's right front (the unknown SUV left the scene without stopping) [the passenger air bag was enabled/ON at this initial non-deployment impact event].

○ 2nd Event—Upon impact, the SV steered towards the left [the OCS sensed a ''release of occupant load'' at this time] and into the concrete barrier with the left front of the SV impacting (11 o'clock position) the Jersey barrier, causing the frontal driver air bag to deploy [passenger air bag was in the suppressed/OFF state at this 2nd Event impact].

▪ The SCI report concluded that the OCS ''switching'' to the suppressed state was likely due to ''*. . .the passenger reached for an object (steering wheel) within the vehicle or repositioned himself on the seat cushion, thus causing the OCS to reclassify his status.*''

▪ ODI notes GM's identification of blood stains on the driver air bag cushion surface and GM's observation that the passenger (only) had a hand/finger injury which resulted in blood loss, while the driver did not have injuries that produced blood loss.

○ 3rd Event—The SV continued to rotate counter clockwise (270 degrees) and then impacted the barrier for a second time in the rear of the vehicle (at the 7 o'clock position) and slid to its final rest point.

○ According to the medical records, the 89-year-old male passenger was hospitalized for 27 days, mainly due to complications from other pre-existing medical conditions, and then was admitted to a rehabilitation center/long term nursing facility. The male passenger died 9 months after the date of crash.

○ The driver was hospitalized for 7 days after the crash and was then released.

○ GM provided an assessment suggesting that as the vehicle veered left towards the Jersey barrier (after event #1), the passenger reached for the steering wheel in an attempt to steer the vehicle away from the barrier. The assessment suggested that in doing so the passenger moved from his seating position, thus changing the OCS state and suppressing the passenger air bag approximately 1.2 sec prior to the impact/deployment event. GM opined that blood evidence on the driver air bag is indicative of the passenger's hand position at or during the impact into the barrier.

○ ODI's review of the available EDR and PODS data is consistent with that described in the SCI crash analysis.

○ ODI concludes that, based on the available EDR and PODS data, the OCS system operated as designed and suppressed the passenger air bag (based on inputs to the system) prior to the Event #2 impact which resulted in the non-deployment of the passenger air bag.

• *Summary of ODI's analysis of Fatal Accident Report System (FARS) data:* If a defect existed in the subject OCS, it is reasonable to conclude that this would be identifiable in FARS data via the following method: 1) crashes that resulted in frontal air bag deployments involving (at least) the driver side air bag, 2) where the passenger seat was occupied by an adult statured person, and 3) the passenger side air bag did not deploy, resulting in an injury or fatality of the passenger. ODI requested the assistance of NHTSA's National Center for Statistics and Analysis (NCSA) to provide FARS reports on the subject Impala, the GM peer vehicles (Chevrolet Cobalt, Buick Lucerne, Cadillac DTS and XLR) and the non-GM peer vehicles (Ford Fusion, Toyota Camry & Nissan Altima) that used the PODS–B OCS system. The request included vehicles across the MY 2006–2008 production period. Over 21 M vehicle registration years were identified for the PODS–B equipped vehicles under evaluation. NCSA identified a total of 625 FARS reports in which any of the above vehicles were involved in a fatal crash between 2005 to 2012 (which represented the latest available crash data at the time of the analysis).

○ 313 of the above 625 fatal crashes involved a fatality in a subject or peer PODS–B equipped vehicle.

○ 201 of the above 313 involved a deployment of the subject or peer driver air bag.

○ 17 of the above 201 involved a non-deployment of the passenger air bag and a passenger fatality (and an adult-sized passenger).

○ Three of the 17 involved the MY 2006–2008 Impala, resulting in a rate of 0.63 incidents per million registered vehicle years, which is slightly lower than the peer group average of 0.73 incidents per million registered vehicle years.

▪ Two of the above three fatalities involved unbelted passenger occupants.

▪ The one remaining fatality involved an older occupant (≤ 75 years old) where the seat belt status could not be established.

ODI concluded that the FARS analysis showed the overall occurrence of passenger fatality due to OCS air bag suppression is low (less than 1 per million registered vehicle years) and that the Impala is not an outlier in terms of passenger side fatalities (due to the passenger air bag being suppressed and/or not deploying) when compared to other GM peer and non-GM peer vehicles.

• *Summary of GM's Reports:* As part of its analysis, ODI requested information from GM on the MY 2006–2008 Impala and other GM peer vehicles that use the same PODS–B OCS system. Based on GM's response that identified 10 alleged complaints on approximately 851,000 vehicles produced, the Impala vehicles had an exposure adjusted complaint rate of approximately 0.16 incidents per 100,000 vehicles per year. By comparison, the peer vehicles had eight alleged complaints from 617,000 vehicles produced and thus had an exposure adjusted complaint rate of 0.17 incidents per 100,000 vehicles per year. These rates are comparable and do not support the existence of a defect trend in the Impala OCS compared to the other GM vehicles.

• *GM Assessment:* As stated in their response to ODI's information request, GM's assessment of the alleged defect is as follows:

○ *The SVs do not contain a defect.*

○ *The SVs meet or exceed all Federal Motor Vehicle Safety Standards (FMVSS).*

○ *The SVs pose no additional risk when meeting 3- and 6-year-old occupant FMVSS requirements.*

○ *The OCS is proven through testing and peer comparison to work in ''real world'' situations.*

▪ *The OCS ''Adult lock'' feature occurs after 60 seconds (and continues to be locked down to a level of 41 lbs. creating sufficient hysteresis).*

▪ *The OCs has a built in natural latency of 1.5 seconds, to prevent reclassifications during momentary movements.*

▪ *The OCS has been tested in panic stops, hard acceleration, hard turns, ditches/rough roads, and with various size adults seated in expected ''comfort'' positions.*

▪ *The OCS locks the passenger classification prior to an impact when a vehicle deceleration greater than > 1.5 G's is detected (for > 2 ms).*

○ *The OCS functioned properly in the subject vehicle crash.*

▪ *No air bag system issues were detected prior to the event.*

▪ *Review of the EDR or PODS data showed no issues, and that the passenger air bag was suppressed prior to Event #2.*

▪ *GM believes the passenger reached for the steering wheel after event #1 and moved out of position (which changed/suppressed the passenger air bag in the last few seconds prior to Event #2) and cites blood evidence on the driver bag from the passenger thumb injury in support of its assessment.*

Conclusion

The subject PODS–B OCS was widely used by GM and other OEMs across the time frame of interest. Based on the information provided and reviewed during the DP14–001 investigation, the passenger air bag OCS used in the MY 2006–2008 Impala and other vehicles does not appear to contain a safety-related defect. NHTSA did not identify an issue with the subject MY 2008 Impala involved in the subject crash, nor has it identified a safety-related defect trend existing in the OCS used in the MY 2006–2008 Impala vehicles, in GM peer vehicles, or in other non-GM peer vehicles. Therefore, the petition is denied. However, the agency will continue to monitor this issue and take further action if warranted by changing future circumstances.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8

Jeffrey Mark Giuseppe,

Associate Administrator for Enforcement.

[FR Doc. 2020–09429 Filed 5–1–20; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2020–0009]

Denial of Motor Vehicle Defect Petition, DP16–002

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a petition submitted on September 28, 2015, by Mr. Matthew Oliver, Executive Director, North Carolina Consumers Council, Inc. (NCCC), to NHTSA's Office of Defects Investigation (ODI). The petition requests that the agency commence a proceeding to evaluate the scope and effectiveness of two recalls for brake master cylinder leakage issued by Nissan for model year (MY) 2007 and 2008 Nissan Sentra vehicles. The petitioner submitted a narrative indicating master cylinder failure for one MY 2008 Nissan (VOQ 1010805749) along with four (4) other owner complaints found in NHTSA's complaint database. The Petitioner alleges that these five complaints indicate insufficiency of effectiveness and scope for the recall actions. For the reasons set forth below, NHTSA disagrees. NHTSA will continue to monitor the situation, but has concluded that further expenditure of the agency's investigative resources on the issues raised by the petition does not appeared to be warranted. The agency accordingly has denied the petition. The petition is hereinafter identified as DP16–002.

FOR FURTHER INFORMATION CONTACT: Mr. Brian E. Smith, Vehicle Defects Division—B, Office of Defects Investigation, NHTSA, 1200 New Jersey Ave. SE, Washington, DC 20590, telephone (202) 366–6975.

SUPPLEMENTARY INFORMATION: By letter received on September 28, 2015, Mr. Matthew Oliver of Raleigh, NC, submitted a petition requesting that the agency investigate the scope and effectiveness of two recalls for brake master cylinder leakage issued by Nissan for model year (MY) 2007 and 2008 Nissan Sentra vehicles. The petition was based on one incident of a MY 2008 Nissan Sentra master cylinder developing a slow leak for several years prior to the submission of the petition. According to the petition, the failed vehicle was inspected by a repair

facility and brake fluid was found inside the brake booster, as was the case in the failures described in Nissan Recalls 08V–311 and 09V–431.

On December 20, 2016, ODI opened a Defect Petition (DP16–002) to further review the issue raised in the petitioner's letter.

The following is a summary of the reviews and analysis conducted during DP16–002:

• *Review of VOQ complaints identified in the petition:* The petitioner identified four other complaints in the petition letter. Each of these VOQ complaints will be addressed individually.

○ *VOQ 10299791*—This VOQ for a 2008 Nissan Sentra described three replacements of the master cylinder for leakage. Some of the repairs may have occurred under warranty prior to recall remedy availability. This vehicle is part of the recall population and did receive the recall remedy. All of the replacements occurred in the first two years of vehicle use. ODI could not determine if any of the reported failures involved a remedy replacement part.

○ *VOQ 10449038*—This VOQ for a 2008 Nissan Sentra mentions a fire in proximity to the master cylinder area under the hood. Fire is not indicated as an outcome for the failure addressed by the recalls. The complaint describes engine stalling prior to the fire event. The vehicle was sold with a salvage title prior to the fire event, according to Carfax. The vehicle is part of the recall population and did receive the recall remedy.

○ *VOQ 10567372*—This VOQ is for a 2008 Nissan Sentra which falls outside of the recall population. The failure occurred six years into the life of the vehicle.

○ *VOQ 10638813*—This VOQ is for a 2008 Nissan Sentra which is included in the recall population and received the recall remedy. The complaint was filed by a subsequent owner four years after the remedy was performed.

• *Review of additional VOQ complaints*—ODI identified two more VOQ complaints responsive to this defect petition. One complaint vehicle (10839357) was repaired under the recall in 2008 and had a master cylinder failure eight years later in 2016. The second complaint vehicle (10330891) suffered a second master cylinder failure within two years after the recall repair.

• *ODI review of Nissan data*—ODI requested and received data from Nissan detailing the original defect determination. They also provided warranty trend data for the recalled vehicles and for vehicles produced after the production change which delimited the end of the recall population.

○ *Improper machining of the internal seal groove*—Nissan identified a production machining process for the bore of the master cylinder body which sometimes resulted in chattering and an uneven surface of the internal seal groove. Nissan supplier Bosch implemented manufacturing changes in early 2008 to prevent this condition.

○ *Mold changes for the isolation seal*—The specifications and tolerances for the isolation seal were updated to produce better sealing of the master cylinder. The improved seal was introduced into production on April 18, 2008. This date marks the end of the recall vehicle population.

○ *Warranty Data*—ODI reviewed the incident rate and warranty data for the vehicle populations affected by the recall and vehicle populations produced after the final production changes were implemented. The recall populations show a significant spike in incident rates during the first three years of vehicle service. The vehicles produced after the production fix fail at a much lower rate and do not exhibit the premature failure spikes found in the recall population.

• Presence of a warning light—The master cylinder is equipped with a fluid level sensor which will alert the driver to a slow leak. A warning light on the instrument panel will illuminate when the fluid is at a low but safe level. If the driver does not take action to remedy the low fluid either by adding fluid or getting the master cylinder fixed, reduced braking could result.

Conclusion

Nissan conducted safety recalls 08V–311 and 09V–431 to remedy leaking master cylinders on certain MY 2007 and 2008 Nissan Sentra vehicles. The recall populations were determined based on production changes to the master cylinder which were fully implemented as of April18, 2008.

ODI identified two MY 2008 Nissan Sentra complaints, including the petitioner's vehicle, which were not covered by the recalls and reported a leaking master cylinder. All of these incidents occurred six or more years into the service life of the vehicle. ODI also identified three complaints which reported a master cylinder leaking after receiving the recall remedy. Only one of these failures occurred within 36 months of the recall remedy. The original recall addressed failures which occurred early in the life of the vehicle, and involved elevated incident rates during the first 36 months of vehicle service. Master cylinders are generally expected to experience wear and display a finite service life.

After a review of the available data, including a thorough search of NHTSA's complaint database, the agency has not identified a trend that would call into question the scope or adequacy of Nissan's recalls. Accordingly, and in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, ODI is denying the petition. A detailed summary of ODI's analysis of this petition will be published in the **Federal Register** and is also available in the investigative file for this action.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8

Jeffrey Mark Giuseppe,

Associate Administrator for Enforcement.

[FR Doc. 2020–09430 Filed 5–1–20; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons and aircraft that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons and these aircraft are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions

programs are available on OFAC's website (*www.treas.gov/ofac*).

Notice of OFAC Actions

On January 24, 2019, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons and the following aircraft subject to U.S. jurisdiction are blocked under the relevant sanctions authorities listed below.

Entities

1. ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)–QODS FORCE (a.k.a. PASDARAN–E ENGHELAB–E ISLAMI (PASDARAN); a.k.a. SEPAH–E QODS (JERUSALEM FORCE)); Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [SYRIA] [IRGC] [IFSR] [IRAN–HR].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13553 for being owned or controlled by, or having acted or purported to act for or on behalf of, Iran's ISLAMIC REVOLUTIONARY GUARD CORPS, a person determined to be subject to E.O. 13553.

2. FATEMIYOUN DIVISION (a.k.a. FATEMIOUN BRIGADE; a.k.a. FATEMIOUN MILITARY DIVISION; a.k.a. FATEMIYOUN; a.k.a. FATEMIYOUN BATTALION; a.k.a. FATEMIYOUN FORCE; a.k.a. FATEMIYYUN; a.k.a. LIWA FATEMIYOUN), Syria; Iran; Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IRGC] [IFSR] [IRAN–HR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)–QODS FORCE).

Designated pursuant to section 1(d)(i) of E.O. 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, Iran's IRGC–QF, a person determined to be subject to E.O. 13224.

Designated pursuant to section 1(a)(ii)(B) of E.O. 13553 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, of Iran's IRGC–QF, a person determined to be subject to E.O. 13553.

3. ZAYNABIYOUN BRIGADE (a.k.a. LIWA ZAYNABIYOUN; a.k.a. ZEYNABIYUN BRIGADE; a.k.a. ZEYNABIYYUN; a.k.a. ZEYNABIYYUN BRIGADE), Syria; Iran; Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IRGC] [IFSR] [IRAN–HR] (Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)–QODS FORCE).

Designated pursuant to section 1(d)(i) of E.O. 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, Iran's IRGC–QF, a person determined to be subject to E.O. 13224.

Designated pursuant to section 1(a)(ii)(B) of E.O. 13553 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, of Iran's IRGC–QF, a person determined to be subject to E.O. 13553.

4. QESHM FARS AIR (a.k.a. FARS AIR CARGO AIRLINE; a.k.a. FARS AIR QESHM; a.k.a. FARS QESHM AIR; a.k.a. FARS QESHM AIRLINES; a.k.a. FRAS AIR PVT. CO.), No 1, Laleh Dd End, Azadegan St., Karaj Highway, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: MAHAN AIR; Linked To: ISLAMIC REVOLUTIONARY GUARD CORPS (IRGC)–QODS FORCE).

Designated pursuant to section 1(c) of E.O. 13224 for being owned or controlled by Iran's MAHAN AIR, a person determined to be subject to E.O. 13224.

Designated pursuant to section 1(d)(i) of E.O. 13224 for assisting in, sponsoring, or providing financial, material, or technological support for, or financial or other services to or in support of, Iran's IRGC–QF, a person determined to be subject to E.O. 13224.

5. FLIGHT TRAVEL LLC, 50 Nalbandyan Street, Yerevan, Armenia; Email Address *flighttravelevn@gmail.com;* Additional Sanctions Information—Subject to Secondary Sanctions [SDGT] [IFSR] (Linked To: MAHAN AIR).

Designated pursuant to section 1(c) of E.O. 13224 for acting for or on behalf of Iran's MAHAN AIR, a person determined to be subject to E.O. 13224.

Aircraft

1. EP–FAA; Aircraft Manufacture Date 16 Oct. 1990; Aircraft Model Boeing B747; Aircraft Manufacturer's Serial Number (MSN) 24576; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [SDGT] [IFSR] (Linked To: QESHM FARS AIR).

Blocked pursuant to E.O. 13224 for being property in which QESHM FARS AIR, a person whose property and interest in property are blocked, has an interest.

2. EP–FAB; Aircraft Manufacture Date 04 Nov. 1991; Aircraft Model Boeing B747; Aircraft Manufacturer's Serial Number (MSN) 25171; Additional Sanctions Information—Subject to Secondary Sanctions (aircraft) [SDGT] [IFSR] (Linked To: QESHM FARS AIR).

Blocked pursuant to E.O. 13224 for being property in which QESHM FARS AIR, a person whose property and interest in property are blocked, has an interest.

Dated: January 24, 2019.

Andrea M. Gacki,

Director, Office of Foreign Assets Control.

Editorial Note: This document was received for publication by the Office of the Federal Register on April 28, 2020.

[FR Doc. 2020–09359 Filed 5–1–20; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Treasury Inspector General for Tax Administration, Department of the Treasury.

ACTION: Notice of modified systems of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of the Treasury (''Treasury'' or the ''Department''), Treasury Inspector General for Tax Administration is publishing its inventory of Privacy Act systems of records.

DATES: Submit comments on or before June 3, 2020. The new routine uses will be applicable on June 3, 2020 unless Treasury receives comments and determines that changes to the system of records notice are necessary.

ADDRESSES: Comments may be submitted to the Federal eRulemaking Portal electronically at *http://www.regulations.gov.* Comments can also be sent to the Deputy Assistant Secretary for Privacy, Transparency, and Records, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220, Attention: Revisions to Privacy Act Systems of Records. All comments received, including attachments and other supporting documents, are part of the public record and subject to public disclosure. All comments received will be posted without change to *www.regulations.gov,* including any personal information provided. You should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For general questions and for privacy issues please contact: Deputy Assistant Secretary for Privacy, Transparency, and Records (202–622–5710), Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of

1974, 5 U.S.C. 552a, and the Office of Management and Budget (OMB), Circular No. A–108, the Department of the Treasury, Departmental Offices, Treasury Inspector General for Tax Administration (TIGTA) has completed a review of its Privacy Act systems of records notices to identify changes that will more accurately describe these records and is publishing an inventory of them.

TIGTA is adding two routine uses to all of the system of records to share information with other federal agencies or federal entities as required by OMB Memorandum 17–12, ''Preparing for and Responding to a Breach of Personally Identifiable Information,'' dated January 3, 2017, to assist Treasury/TIGTA in responding to a suspected or confirmed breach or prevent, minimize, or remedy the risk of harm to the requesters, Treasury/TIGTA, the Federal Government, or national security.

Treasury has provided a report of this system of records to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and OMB, pursuant to 5 U.S.C. 552a(r) and OMB Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' dated December 23, 2016.

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

TREASURY/DO .301

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .301—TIGTA General Personnel and Payroll.

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

National Headquarters, 1401 H Street NW, Washington, DC 20005, field offices listed in Appendices A, B and C, Bureau of Fiscal Service, 200 Third Street, Parkersburg, WV 26106–1328, and Transaction Processing Center, U.S. Department of Agriculture, National Finance Center.

SYSTEM MANAGER(S):

General Personnel Records—Deputy Inspector General for Mission Support/Chief Financial Officer. Time-reporting records: (1) For Office of Audit employees—Deputy Inspector General for Audit; (2) For Office of Chief Counsel employees—Chief Counsel; (3) For Office of Investigations employees—Deputy Inspector General for Investigations; (4) For Office of Inspections and Evaluations employees—Deputy Inspector General for Inspections and Evaluations; (5) For Office of Information Technology employees—Chief Information Officer; (6) For Office of Mission Support/Chief Financial Officer employees—Deputy Inspector General for Mission Support/Chief Financial Officer; and (7) For Inspector General staff employees-Principal Deputy Inspector General—1401 H Street NW, Washington, DC 20005, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. app. and 5 U.S.C. 301, 1302, 2951, 4506, and Ch. 83, 87, and 89.

PURPOSE(S) OF THE SYSTEM:

This system consists of records compiled for personnel, payroll and time-reporting purposes. In addition, this system contains all records created and/or maintained about employees as required by OPM as well as documents relating to personnel matters and determinations. Retirement, life, and health insurance benefit records are collected and maintained in order to administer the Federal Employee's Retirement System (FERS), Civil Service Retirement System (CSRS), Federal Employee's Group Life Insurance Plan, and, the Federal Employees' Health Benefit Program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Treasury Inspector General for Tax Administration (TIGTA) employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records relating to personnel actions and determinations made about TIGTA employees. These records contain data on individuals required by OPM and which may also be contained in the Official Personnel Folder (OPF). This system may also contain letters of commendation, recommendations for awards, awards, reprimands, adverse or disciplinary charges, and other records that OPM and TIGTA require or permit to be maintained. This system may include records that are maintained in support of a personnel action such as a position management or position classification action, a reduction-inforce action, and priority placement actions. Other records maintained about an individual in this system are performance appraisals and related records, expectation and payout records, employee performance file records, suggestion files, award files, financial and tax records, back pay files, jury duty records, outside employment statements, clearance upon separation documents, unemployment compensation records, adverse and disciplinary action files, supervisory drop files, records relating to personnel actions, furlough and recall records, work measurement records, emergency notification records, and employee locator and current address records. This system includes records created and maintained for purposes of administering the payroll system. Time-reporting records include timesheets and records indicating the number of hours by TIGTA employee attributable to a particular project, task, or audit. This system also includes records related to travel expenses and/or costs. This system includes records concerning employee participation in the Telecommuting program. This system also contains records relating to life and health insurance, retirement coverage, designations of beneficiaries, and claims for survivor or death benefits.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies, is derived from information supplied by that individual, or is provided by Department of the Treasury and other Federal agency personnel and records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Disclosures of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to:

(1) Disclose appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of a civil or criminal law or regulation.

(2) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to

appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party of the litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(6) Provide information to third parties in order to obtain information pertinent and necessary for the hiring or retention of an individual and/or to obtain information pertinent to an investigation;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(10) Provide information to educational institutions for recruitment and cooperative education purposes;

(11) Provide information to a Federal, State, or local agency so that the agency may adjudicate an individual's eligibility for a benefit;

(12) Provide information to a Federal, State, or local agency or to a financial institution as required by law for payroll purposes;

(13) Provide information to Federal agencies to effect inter-agency salary offset and administrative offset;

(14) Provide information to a debt collection agency for debt collection services;

(15) Respond to State and local authorities for support garnishment interrogatories;

(16) Provide information to private creditors for the purpose of garnishment of wages of an employee if a debt has been reduced to a judgment;

(17) Provide information to a prospective employer of a current or former TIGTA employee;

(18) In situations involving an imminent danger of death or physical injury, disclose relevant information to an individual or individuals who are in danger;

(19) Provide information to the Office of Workers' Compensation Programs, Department of Veterans Affairs Benefits Administration, Social Security and Medicare Programs, Federal civilian employee retirement systems, and other Federal agencies when requested by that program, for use in determining an individual's claim for benefits;

(20) Provide information necessary to support a claim for health insurance benefits under the Federal Employees' Health Benefits Program to a health insurance carrier or plan participating in the program;

(21) Provide information to hospitals and similar institutions to verify an employee's coverage in the Federal Employees' Health Benefits Program;

(22) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 6(e) of the Inspector General Act of 1978, as amended, 5 U.S.C. app.;

(23) Disclose to appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(24) Provide to another Federal agency or Federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures of debt information concerning a claim against an individual may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic media, paper records, and microfiche.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by name, Social Security Number, and/or claim number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedules 2.1 through 2.7.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies. Access to the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 1401 H Street NW, Room 469, Washington, DC 20005.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Notice of this system of records was last published in full in the **Federal Register** on November 7, 2016 (81 FR 78298) as the Department of the Treasury, DO .301—TIGTA General Personnel and Payroll.

TREASURY/DO .302

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .302—TIGTA Medical Records.

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

(1) Health Improvement Plan Records—Office of Investigations, 1401 H Street NW, Washington, DC 20005 and field division offices listed in Appendix A; and, (2) All other records of: (a) Applicants and current TIGTA employees: Office of Mission Support/Chief Financial Officer, TIGTA, 1401 H Street NW, Washington, DC 20005 and/or Bureau of Fiscal Service, 200 Third Street, Parkersburg, WV 26106–1328; and, (b) former TIGTA employees: National Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63132.

SYSTEM MANAGERS:

(1) Health Improvement Program records—Deputy Inspector General for Investigations, TIGTA, 1401 H Street NW, Washington, DC 20005, (202–622–6500); and, (2) All other records—Deputy Inspector General for Mission Support/Chief Financial Officer, 1401 H Street NW, Washington, DC 20005, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. app. and 5 U.S.C. 301, 3301, 7301, 7901, and Ch. 81, 87 and 89.

PURPOSE(S) OF THE SYSTEM:

To maintain records related to employee physical exams, fitness-for-duty evaluations, drug testing, disability retirement claims, participation in the Health Improvement Program, and worker's compensation claims. In addition, these records may be used for purposes of making suitability and fitness-for duty determinations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Applicants for TIGTA employment; (2) Current and former TIGTA employees; (3) Applicants for disability retirement; and, (4) Visitors to TIGTA offices who require medical attention while on the premises.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Documents relating to an applicant's mental/physical ability to perform the duties of a position; (2) Information relating to an applicant's rejection for a position because of medical reasons; (3) Documents relating to a current or former TIGTA employee's mental/physical ability to perform the duties of the employee's position; (4) Disability retirement records; (5) Health history questionnaires, medical records, and other similar information for employees participating in the Health Improvement Program; (6) Fitness-for-duty examination reports; (7) Employee assistance records; (8) Injury compensation records relating to on-the-job injuries of current or former TIGTA employees; and, (9) Records relating to the drug testing program.

RECORD SOURCE CATEGORIES:

(1) The subject of the record; (2) Medical personnel and institutions; (3) Office of Workers' Compensation personnel and records; (4) Military Retired Pay Systems Records; (5) Federal civilian retirement systems; (6) OPM Retirement, Life Insurance and Health Benefits Records System and Personnel Management Records System; (7) Department of Labor; (8) Federal Occupational Health and other health care professionals; and (9) Drug testing providers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

With the exception of Routine Uses (1) and (9), none of the other Routine Uses identified for this system of records are applicable to records relating to drug testing under Executive Order 12564, Drug-Free Federal Workplace. Further, such records shall be disclosed only on a need to know basis, generally only to the agency Medical Review Official (MRO), the administrators of the agency Employee Assistance Program and Drug-Free Workplace program, and the management officials empowered to recommend or take adverse action affecting the individual. Records may be used to:

(1) Disclose the results of a drug test of a Federal employee in a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action;

(2) Disclose appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of a civil or criminal law or regulation.

(3) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(4) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear when (a) the agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(5) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(6) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(7) Provide information to third parties in order to obtain information pertinent and necessary for the hiring or retention of an individual and/or to obtain information pertinent to an investigation;

(8) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(9) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(10) Provide information to Federal or State agencies responsible for administering Federal benefits programs and private contractors engaged in providing benefits under Federal contracts;

(11) Disclose information to an individual's private physician where medical considerations or the content of medical records indicate that such release is appropriate;

(12) Disclose information to other Federal or State agencies to the extent provided by law or regulation;

(13) In situations involving an imminent danger of death or physical injury, disclose relevant information to an individual or individuals who are in danger;

(14) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 6(e) of the Inspector General Act of 1978, as amended, 5 U.S.C. app.;

(15) Disclosure to appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(16) Provide to another Federal agency or Federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records, electronic media, and x-rays.

POLICIES AND PRACTICES FOR RETRIVAL OF RECORDS:

Records are retrievable by name, Social Security Number, date of birth and/or claim number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORD:

Records are maintained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedules Nos. 2.1 through 2.4 and 2.7.

ADMINISTRATIVE, TECHINCAL, AND PHYSICAL SAFEGAURDS:

Records in this system are safeguarded in accordance with applicable rules and policies. Access to the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' below.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart c, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 1401 H Street NW, Room 469, Washington, DC 20005.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

TREASURY/DO .303

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .303—TIGTA General Correspondence.

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

TIGTA's National Headquarters, 1401 H Street NW, Washington, DC 20005, and field offices listed in Appendices A, B, and C.

SYSTEM MANAGER(S):

Principal Deputy Inspector General, TIGTA, 1401 H Street NW, Washington, DC 20005, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. app. and 5 U.S.C. 301.

PURPOSE(S) OF THE SYSTEM:

This system consists of correspondence received by TIGTA from individuals and their representatives, oversight committees, and others who conduct business with TIGTA and the responses thereto; it serves as a record of incoming correspondence and the steps taken to respond thereto.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Initiators of correspondence; and, (2) Persons upon whose behalf the correspondence was initiated.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Correspondence received by TIGTA and responses generated thereto; and, (2) Records used to respond to incoming correspondence. Special categories of correspondence may be included in other systems of records described by specific notices.

RECORD SOURCE CATEGORIES:

Some records contained within this system of records are exempt from the requirement that the record source categories be disclosed pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2). Non-exempt sources of information include: (1) Initiators of the correspondence; and (2) Federal Treasury personnel and records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Disclosures of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to:

(1) Disclose appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of a civil or criminal law or regulation.

(2) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when (a) the agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in connection with criminal law proceedings or in response to a subpoena where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(6) Provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(7) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(8) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(9) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 6(e) of the Inspector General Act of 1978, as amended, 5 U.S.C. app.;

(10) Disclose to appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(11) Provide to another Federal agency or Federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records and electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by name of the correspondent and/or name of the individual to whom the record applies.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Paper records are maintained and disposed of in accordance with TIGTA Records Schedule 1, which has been approved by the National Archives Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The records are accessible to TIGTA personnel, all of whom have been the subject of background investigations, on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' below.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 1401 H Street NW, Room 469, Washington, DC 20005. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Some records contained within this system of records are exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2). See 31 CFR 1.36.

TREASURY/DO .304

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .304—TIGTA General Training Records.

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

TIGTA's National Headquarters, 1401 H Street NW, Washington, DC 20005

and Federal Law Enforcement Training Center (FLETC), Glynco, GA 31524.

SYSTEM MANAGER(S):

(1) For records concerning Office of Investigations employees—Deputy Inspector General for Investigations; (2) For records concerning Office of Audit employees—Deputy Inspector General for Audit; (3) For Office of Chief Counsel employees—Chief Counsel; (4) For Office of Inspections and Evaluations—Deputy Inspector General for Inspections and Evaluations; (5) For Office of Information Technology employees—Chief Information Officer; (6) For Office of Mission Support/Chief Financial Officer employees—Deputy Inspector General for Mission Support/Chief Financial Officer; and, (7) For Inspector General staff employees—Principal Deputy Inspector General —1401 H Street NW, Washington, DC, 20005, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. app. and 5 U.S.C. 301 and Ch. 41, and Executive Order 11348, as amended by Executive Order 12107.

PURPOSE(S) OF THE SYSTEM:

These records are collected and maintained to document training received by TIGTA employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) TIGTA employees; and, (2) Other Federal or non-Government individuals who have participated in or assisted with training programs as instructors, course developers, or interpreters.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Course rosters; (2) Student registration forms; (3) Nomination forms; (4) Course evaluations; (5) Instructor lists; (6) Individual Development Plans (IDPs); (7) Counseling records; (8) Examination and testing materials; (9) Payment records; (10) Continuing professional education requirements; (11) Officer safety files and firearm qualification records; and, (12) Other training records necessary for reporting and evaluative purposes.

RECORD SOURCE CATEGORIES:

(1) The subject of the record; and, (2) Treasury personnel and records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Records may be used to:

(1) Disclose appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of a civil or criminal law or regulation.

(2) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when (a) the agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(6) Provide information to third parties to the extent necessary to obtain information pertinent to the training request or requirements and/or in the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(10) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 6(e) of the Inspector General Act of 1978, as amended, 5 U.S.C. app.;

(11) Disclose to appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(12) Provide to another Federal agency or Federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper and electronic media.

POLICIES AND PRACTICES FOR RETRIVAL OF RECORDS:

Records are retrievable by employee name, course title, date of training, and/or location of training.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and disposed in accordance with National Archives and Records Administration General Records Schedule 2.6.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The records are accessible to TIGTA personnel, all of whom have been the subject of background investigations, on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORDS ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 1401 H Street NW, Room 469, Washington, DC 20005.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

TREASURY/DO .305

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .305—TIGTA Personal Property Management Records.

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

Office of Information Technology, TIGTA, 4800 Buford Hwy, Chamblee, GA.

SYSTEM MANAGER(S):

Deputy Inspector General for Mission Support/Chief Financial Officer, Office of Mission Support/Chief Financial Officer, 1401 H Street NW, Washington, DC 20005, (202–622–6500).

AUTHORITY FOR MAINTENCE OF THE SYSTEM:

5 U.S.C. app., 5 U.S.C. 301, and 41 CFR Subtitle C Ch. 101 and 102.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to maintain records concerning personal property, including but not limited to, laptop and desktop computers and other Information Technology and related accessories, fixed assets, motor vehicles, firearms and other law enforcement equipment, and communications equipment, for use in official duties.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former TIGTA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information concerning personal property assigned to TIGTA employees including descriptions and identifying information about the property, maintenance records, and other similar records.

RECORDS SOURCE CATEGORIES:

(1) The subject of the record; (2) Treasury personnel and records; (3) Vehicle maintenance facilities; (4) Property manufacturer; and, (5) Vehicle registration and licensing agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLDUING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be used to:

(1) Disclose appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of a civil or criminal law or regulation.

(2) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(6) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(10) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 6(e) of the Inspector General Act of 1978, as amended, 5 U.S.C. app.;

(11) Disclose to appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure

made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(12) Provide to another Federal agency or Federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper and electronic media.

POLICIES AND PRACTICES FOR RETRIVAL OF RECORDS:

Records are indexed by name and/or identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedules 5.4 Items 4 and 10.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The records are accessible to TIGTA personnel, all of whom have been the subject of background investigations, on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 1401 H Street NW, Room 469, Washington, DC 20005.

EXEMPTIONS PROMUGLATED FOR THE SYSTEM:

None.

TREASURY/DO .306

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .306—TIGTA Recruiting and Placement Records.

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

Office of Mission Support/Chief Financial Officer, 1401 H Street NW, Washington, DC 20005 and/or Bureau of Fiscal Service, 200 Third Street, Parkersburg, WV 26106–1328.

SYSTEM MANAGERS:

Deputy Inspector General for Mission Support/Chief Financial Officer, 1401 H Street NW, Washington, DC 20005, (202–622–6500).

AUTHORITY FOR MAINTENCE OF THE SYSTEM:

5 U.S.C. app., 5 U.S.C. 301 and Ch. 33, and Executive Orders 10577 and 11103.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to maintain records received from applicants applying for positions with TIGTA and relating to determining eligibility for employment.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Applicants for employment; and, (2) Current and former TIGTA employees.

CATEGORIES OF RECORDS COVERED BY THE SYSTEM:

(1) Application packages and resumes; (2) Related correspondence; and, (3) Documents generated as part of the recruitment and hiring process.

RECORD SOURCE CATEGORIES:

(1) The subject of the record; (2) Office of Personnel Management; and, (3) Treasury personnel and records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

Disclosure of returns and return information may be made only as provided by 26 U.S.C.

6103. Records other than returns and return information may be used to:

(1) Disclose appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of a civil or criminal law or regulation.

(2) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(6) Provide information to third parties to the extent necessary to obtain information pertinent to the recruitment, hiring, and/or placement determination and/or during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of

Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(10) Disclose information to officials of Federal agencies for purposes of consideration for placement, transfer, reassignment, and/or promotion of TIGTA employees;

(11) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 6(e) of the Inspector General Act of 1978, as amended, 5 U.S.C. app.;

(12) Disclose to appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(13) Provide to another Federal agency or Federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper and electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are indexed by name, Social Security Number, and/or vacancy announcement number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are maintained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedule 2.1 Item 60.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The records are accessible to personnel on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access disposal.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 1401 H Street NW, Room 469, Washington, DC 20005. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(k)(5) and (k)(6).

EXEMPTIONS PROMUGLATED FOR THE SYSTEM:

Some records in this system have been designated as exempt from 5 U.S.C. 552a(c)(3), (d)(1), (2), (3), and (4), (e)(1), (e)(4)(G), (H), and (I), and (f) pursuant to 5 U.S.C. 552a(k)(5) and (k)(6). See 31 CFR 1.36.

TREASURY/DO .307

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .307—TIGTA Employee Relations Matters, Appeals, Grievances, and Complaint Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Mission Support/Chief Financial Officer, TIGTA, 1401 H Street NW, Washington, DC 20005.

SYSTEM MANAGER(S):

Deputy Inspector General for Mission Support/Chief Financial Officer, 1401 H Street NW, Washington, DC 20005, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. app -and 5 U.S.C. 301 and Ch. 13, 31, 33, 73, and 75.

PURPOSE(S) OF THE SYSTEM:

This system consists of records compiled for administrative purposes concerning personnel matters affecting current, former, and/or prospective TIGTA employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current, former, and prospective TIGTA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Requests, (2) Appeals, (3) Complaints, (4) Letters or notices to the subject of the record, (5) Materials relied upon in making any decision or determination, (6) Affidavits or statements, (7) Investigative reports, and, (8) Documents effectuating any decisions or determinations.

RECORD SOURCE CATEGORIES:

(1) The subject of the records; (2) Treasury personnel and records; (3) Witnesses; (4) Documents relating to the appeal, grievance, or complaint; and, (5) EEOC, MSPB, and other similar organizations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to:

(1) Disclose appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of a civil or criminal law or regulation.

(2) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's,

bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when (a) the agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(6) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Provide information to Executive agencies, including, but not limited to the Office of Personnel Management, Office of Government Ethics, and Government Accountability Office in order to obtain legal and/or policy guidance;

(10) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(11) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 6(e) of the Inspector General Act of 1978, as amended, 5 U.S.C. app.;

(12) Disclose to appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(13) Provide to another Federal agency or Federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper and electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by indexed by the name of the individual and case number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and disposed of in accordance with National Archives and Records Administration General Records Schedule 2.3 Item 060.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The records are accessible to TIGTA personnel on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 1401 H Street NW, Room 469, Washington, DC 20005. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

EXEMPTIONS PROMUGLATED FOR THE SYSTEM:

This system may contain investigative records that are exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). (See 31 CFR 1.36.)

TREASURY/DO .308

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .308—TIGTA Data Extracts.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

TIGTA's National Headquarters, 1401 H Street NW, Washington, DC 20005, Office of Information Technology, 4800 Buford Highway, Chamblee, GA 30341, and Office of Investigations, Strategic Data Services, 550 Main Street, Cincinnati, OH 45202.

SYSTEM MANAGER(S):

Deputy Inspector General for Investigations, TIGTA, 1401 H Street

NW, Washington, DC 20005, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. app. and 5 U.S.C. 301.

PURPOSE(S) OF THE SYSTEM:

This system consists of data extracts from various electronic systems of records maintained by governmental agencies and other entities. The data extracts generated by TIGTA are used for audit and investigative purposes and are necessary to identify and deter fraud, waste, and abuse in the programs and operations of the IRS and related entities as well as to promote economy, efficiency, and integrity in the administration of the internal revenue laws and detect and deter wrongdoing by IRS and TIGTA employees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) The subjects or potential subjects of investigations; (2) Individuals who have filed, are required to file tax returns, or are included on tax returns, forms, or other information filings; (3) Entities who have filed or are required to file tax returns, Internal Revenue (IRS) forms, or information filings as well as any individuals listed on the returns, forms and filings; and, (4) Taxpayer representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data extracts from various databases maintained by the IRS consisting of records collected in performance of its tax administration responsibilities as well as records maintained by other governmental agencies, entities, and public record sources. This system also contains information obtained via TIGTA's program of computer matches.

RECORD SOURCE CATEGORIES:

Some records contained within this system of records are exempt from the requirement that the record source categories be disclosed pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2). Non-exempt record source categories include the following: Department of the Treasury personnel and records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to:

(1) Disclose appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of a civil or criminal law or regulation.

(2) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when (a) the agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(6) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(10) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 6(e) of the Inspector General Act of 1978, as amended, 5 U.S.C. app.;

(11) Disclose to appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(12) Provide to another Federal agency or Federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records and electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name, Social Security Number, Taxpayer Identification Number, and/or employee identification number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Paper records are maintained and disposed of in accordance with TIGTA Records Schedule 1 approved by the National Archives Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The records are accessible to TIGTA personnel on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 1401 H Street NW, Washington, DC 20005. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

EXEMPTIONS PROMUGLATED FOR THE SYSTEM:

Some records contained within this system of records are exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). (See 31 CFR 1.36.)

TREASURY/DO .309

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .309—TIGTA Chief Counsel Case Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Chief Counsel, 1401 H Street NW, Washington, DC 20005.

SYSTEM MANAGERS:

Deputy Chief Counsel, TIGTA, 1401 H Street NW, Washington, DC 20005, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. app. and 5 U.S.C. 301.

PURPOSE(S) OF THE SYSTEM:

This system contains records created and maintained by the Office of Chief Counsel for purposes of providing legal and programmatic service to TIGTA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Parties to and persons involved in litigations, actions, personnel matters, administrative claims, administrative appeals, complaints, grievances, advisories, and other matters assigned to, or under the jurisdiction of, the Office of Chief Counsel.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Memoranda, (2) Complaints, (3) Claim forms, (4) Reports of Investigations, (5) Accident reports, (6) Witness statements and affidavits, (7) Pleadings, (8) Correspondence, (9) Administrative files, (10) Case management documents, and (11) Other records collected or generated in response to matters assigned to the Office of Chief Counsel.

RECORD SOURCE CATEGORIES:

Some records in this system are exempt from the requirement that the record source categories be disclosed pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2). Non-exempt record source categories include the following: (1) Department of Treasury personnel and records, (2) The subject of the record, (3) Witnesses, (4) Parties to disputed matters of fact or law, (5) Congressional inquiries, and, (6) Other Federal agencies including, but not limited to, the Office of Personnel Management, the Merit Systems Protection Board, and the Equal Employment Opportunities Commission.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to:

(1) Disclose appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of a civil or criminal law or regulation.

(2) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to, or necessary to, the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when (a) the agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purposes of litigating an action or seeking legal advice;

(6) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to an investigation or matter under consideration;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Provide information to Executive agencies, including, but not limited to the Office of Personnel Management,

Office of Government Ethics, and Government Accountability Office;

(10) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing any personnel actions or conducting administrative hearings or appeals, or if needed in the performance of authorized duties;

(11) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 6(e) of the Inspector General Act of 1978, as amended, 5 U.S.C. app.;

(12) Disclose to appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(13) Provide to another Federal agency or Federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures of debt information concerning a claim against an individual may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records and electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by the name of the person to whom they apply and/or by case number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Paper records are maintained and disposed of in accordance with TIGTA Record Schedule 1 which has been approved by the National Archives and Records Administration.

ADMINISTRATIVE, TECHINCAL, AND PHYSICAL SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies. Access to the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 1401 H Street NW, Room 469, Washington, DC 20005. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

EXEMPTIONS PROMUGLATED FOR THE SYSTEM:

Some of the records in this system are exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5)(e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C.552a(j)(2) and (k)(2). (See 31 CFR 1.36.)

TREASURY/DO .310

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .310—TIGTA Chief Counsel Disclosure Branch Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Office of Chief Counsel, Disclosure Branch, TIGTA, 1401 H Street NW, Washington, DC 20005.

SYSTEM MANAGER(S):

Chief Counsel, TIGTA, 1401 H Street NW, Washington, DC 20005, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 552a, 26 U.S.C 6103, and 31 CFR 1.11.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to enable compliance with applicable Federal disclosure laws and regulations, including statutory record-keeping requirements. In addition, this system will be utilized to maintain records obtained and/or generated for purposes of responding to requests for access, amendment, and disclosure of TIGTA records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Requestors for access and amendment pursuant to the Privacy Act of 1974, 5 U.S.C. 552a; (2) Subjects of requests for disclosure of records; (3) Requestors for access to records pursuant to 26 U.S.C. 6103; (4) TIGTA employees who have been subpoenaed or requested to produce TIGTA documents or testimony on behalf of TIGTA in judicial or administrative proceedings; (5) Subjects of investigations who have been referred to another law enforcement authority; (6) Subjects of investigations who are parties to a judicial or administrative proceeding in which testimony of TIGTA employees or production of TIGTA documents has been sought; and, (7) Individuals initiating correspondence or inquiries processed or controlled by the Disclosure Branch.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Requests for access to and/or amendment of records, (2) Responses to such requests, (3) Records processed and released in response to such requests, (4) Processing records, (5) Requests or subpoenas for testimony, (6) Testimony authorizations, (7) Referral letters, (8) Documents referred, (9)

Record of disclosure forms, and (10) Other supporting documentation.

RECORD SOURCE CATEGORIES:

Some records in this system are exempt from the requirement that the record source categories be disclosed pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2). Non-exempt record source categories include the following: (1) Department of Treasury personnel and records, (2) Incoming requests, and (3) Subpoenas and requests for records and/or testimony.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES FOR SUCH USE:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to:

(1) Disclose appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of a civil or criminal law or regulation.

(2) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(6) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to an investigation or matter under consideration;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 6(e) of the Inspector General Act of 1978, as amended, 5 U.S.C. app.;

(10) Disclose to appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(11) Provide to another Federal agency or Federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records and/or electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by name of the requestor, name of the subject of the investigation, and/or name of the employee requested to produce documents or to testify.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Paper records are maintained and disposed of in accordance with TIGTA Record Schedule 1, which has been approved by the National Archives and Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL RECORDS:

The records are accessible to TIGTA personnel, all of whom have been the subject of background investigations, on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 1401 H Street NW, Room 469, Washington, DC 20005. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

EXEMPTIONS PROMUGLATED FOR THE SYSTEM:

This system may contain records that are exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1),

(e)(2),(e)(3),(e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). (See 31 CFR 1.36.)

TREASURY/DO .311

SYSTEM NAME AND NUMBER:

Department of the Treasury, Departmental Offices .311—TIGTA Office of Investigations Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

National Headquarters, Office of Investigations, 1401 H Street NW, Washington, DC 20005 and Field Division offices listed in Appendix A.

SYSTEM MANAGER(S):

Deputy Inspector General for Investigations, Office of Investigations, TIGTA, 1401 H Street NW, Washington, DC 20005, (202–622–6500).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. app. and 5 U.S.C. 301.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system of records is to maintain information relevant to complaints received by TIGTA and collected as part of investigations conducted by TIGTA's Office of Investigations. This system also includes investigative material compiled by the IRS's Office of the Chief Inspector, which was previously maintained in the following systems of records: Treasury/IRS 60.001–60.007 and 60.009–60.010.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) The subjects or potential subjects of investigations; (2) The subjects of complaints received by TIGTA; (3) Persons who have filed complaints with TIGTA; (4) Confidential informants; and (5) TIGTA Special Agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Reports of investigations, which may include, but are not limited to, witness statements, affidavits, transcripts, police reports, photographs, documentation concerning requests and approval for consensual telephone and consensual non-telephone monitoring, the subject's prior criminal record, vehicle maintenance records, medical records, accident reports, insurance policies, and other exhibits and documents collected during an investigation; (2) Status and disposition information concerning a complaint or investigation including prosecutive action and/or administrative action; (3) Complaints or requests to investigate; (4) General case materials and documentation including, but not limited to, Chronological Case Worksheets (CCW), fact sheets, agent work papers, Record of Disclosure forms, and other case management documentation; (5) Subpoenas and evidence obtained in response to a subpoena; (6) Evidence logs; (7) Pen registers; (8) Correspondence; (9) Records of seized money and/or property; (10) Reports of laboratory examination, photographs, and evidentiary reports; (11) Digital image files of physical evidence; (12) Documents generated for purposes of TIGTA's undercover activities; (13) Documents pertaining to the identity of confidential informants; and (14) Other documents collected and/or generated by the Office of Investigations during the course of official duties.

RECORD SOURCE CATEGORIES:

Some records contained within this system of records are exempt from the requirement that the record source categories be disclosed pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2). Non-exempt record source categories include the following: Department of the Treasury personnel and records, complainants, witnesses, governmental agencies, tax returns and related documents, subjects of investigations, persons acquainted with the individual under investigation, third party witnesses, Notices of Federal Tax Liens, court documents, property records, newspapers or periodicals, financial institutions and other business records, medical records, and insurance companies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSED OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Records other than returns and return information may be used to:

(1) Disclose appropriate federal, state, local, tribal, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of a civil or criminal law or regulation.

(2) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal, or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which TIGTA is authorized to appear when (a) the agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee, or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) Disclose information to a court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a court order where arguably relevant to a proceeding;

(5) Disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(6) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(7) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(8) Disclose information to the news media, where such disclosure is a matter of material public interest or in coordination with the Department of Justice in accordance with applicable guidelines that relate to an agency's functions relating to civil and criminal proceedings;

(9) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, and other parties responsible for processing personnel actions or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties;

(10) In situations involving an imminent danger of death or physical injury, disclose relevant information to an individual or individuals who are in danger;

(11) Provide information to other Offices of Inspectors General, the Council of the Inspectors General for Integrity and Efficiency, and the Department of Justice, in connection with their review of TIGTA's exercise of statutory law enforcement authority, pursuant to section 6(e) of the Inspector General Act of 1978, as amended, 5 U.S.C. app.;

(12) Disclose information to complainants, victims, or their representatives (defined for purposes here to be a complainant's or victim's legal counsel or a Senator or Representative whose assistance the complainant or victim has solicited) concerning the status and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim, including, once the investigative subject has exhausted all reasonable appeals, any action taken. Information concerning the status of the investigation or case is limited strictly to whether the investigation or case is open or closed. Information concerning the results of the investigation or case is limited strictly to whether the allegations made in the complaint were substantiated or were not substantiated and, if the subject has exhausted all reasonable appeals, any action taken;

(13) Disclose to appropriate agencies, entities, and person when (1) the Department of the Treasury and/or TIGTA suspects or has confirmed that there has been a breach of the system of records; (2) the Department of the Treasury and/or TIGTA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of the Treasury and/or TIGTA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of the Treasury's and/or TIGTA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(14) Provide to another Federal agency or Federal entity, when the Department of the Treasury and/or TIGTA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Paper records and electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrievable by name, Social Security Number, and/or case number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The records in this system are maintained and disposed of in accordance with a record disposition schedule approved by the National Archives and Records Administration.

ADMINISTRATIVE, TECHINCAL, AND PHYSICAL SAFEGUARDS:

The records are accessible to TIGTA personnel on a need-to-know basis. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols, which are periodically changed; these terminals are accessible only to authorized persons. Paper records are maintained in locked facilities and/or cabinets with restricted access.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' below.

CONTESTING RECORD PREOCEDURES:

See ''Notification Procedures'' below.

NOTIFICATION PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Written inquiries should be addressed to the Office of Chief Counsel, Disclosure Branch, Treasury Inspector General for Tax Administration, 1401 H Street NW, Room 469, Washington, DC 20005. This system of records may contain records that are exempt from the notification, access, and contesting records requirements pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Some records contained within this system of records are exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). (See 31 CFR 1.36)

Appendix A—Office of Investigations, TIGTA

Field Division SAC Offices

Treasury IG for Tax Administration, 1919 Smith Street, Room 2270, Stop 3300, Houston, TX 77002.

Treasury IG for Tax Administration, 1160 W 1200 S, M/S 3300, Ogden, UT 84201.

Treasury IG for Tax Administration, 201 Varick Street, Room 1050, New York, NY 10014.

Treasury IG for Tax Administration, Ronald Dellums Federal Bldg., 300 N Los Angeles Street, Suite 4334, Los Angeles, CA 90012.

Treasury IG for Tax Administration, 600 Arch Street, Room 4218, Philadelphia, PA 19104.

Treasury IG for Tax Administration, 12119 Indian Creek Court, Beltsville, MD 20705.

Appendix B—Audit Field Offices, TIGTA

Treasury IG for Tax Administration, 310 Lowell Street, Stop 903, Andover, MA 01812.

Treasury IG for Tax Administration, 401 W Peachtree St., Room 540 Stop 190–R, Atlanta, GA 30308–3539.

Treasury IG for Tax Administration, Atlanta Service Center, 4800 Buford Highway, Mail Stop 15, Chamblee, GA 30341.

Treasury IG for Tax Administration, 3651 South Interstate 35, Mail Stop 3200 AUSC, Austin, TX 78741.

Treasury IG for Tax Administration, 31 Hopkins Plaza, Fallon Federal Building, Suite 1410, Baltimore, MD 21201.

Treasury IG for Tax Administration, 1040 Waverly Ave., Stop 900, Holtsville, NY 11742.

Treasury IG for Tax Administration, 200 W Adams, Suite 450, Chicago, IL 60606.

Treasury IG for Tax Administration, Peck Federal Office Bldg., 550 Main Street, Room 5028, Cincinnati, OH 45201.

Treasury IG for Tax Administration, 4050 Alpha Road, Mail Stop 3200 NDAL, Dallas, TX 75244.

Treasury IG for Tax Administration, 1999 Broadway, Suite 2406 MS 3300DEN, Denver, CO 80202.

Treasury IG for Tax Administration, Fresno Service Center, 5045 E Butler Stop 11, Fresno, CA 93727.

Treasury IG for Tax Administration, 7850 SW 6th Court, Room 120 Stop 8430, Plantation, FL 33324.

Treasury IG for Tax Administration, 333 West Pershing Road, P–L Mail Stop 3000, Kansas City, MO 64108.

Treasury Inspector General for Tax Administration—Audit, 24000 Avila Road, Room 2509, Laguna Niguel, CA 92677.

Treasury IG for Tax Administration, 300 N Los Angeles Street, Room 4334, Los Angeles, CA 90012.

Treasury IG for Tax Administration, 5333 Getwell Rd., Stop 72 Room H–147, Memphis, TN 38118.

Treasury IG for Tax Administration, 1160 West 1200 South, MS 3400, Ogden, Utah 84201.

Treasury IG for Tax Administration, Federal Office Building, 600 Arch Street, Room 4218, Philadelphia, PA 19106.

Treasury IG for Tax Administration, 915 2nd Avenue, Room 2640 MS 690, Seattle, WA 98174.

Treasury IG for Tax Administration, 1222 Spruce, Room 8.205 Stop 3300, St. Louis, MO 63103.

Treasury IG for Tax Administration, 92 Montvale Avenue, Stoneham, MA 02180.

Treasury IG for Tax Administration, Ronald Dellums Federal Bldg., 1301 Clay Street, Suite 510 North, Oakland, CA 94612.

Treasury IG for Tax Administration, 5000 Ellin Road, Room B2–203, Lanham, MD 20706.

Treasury IG for Tax Administration, 250 Murall Drive, Martinsburg, WV.

Appendix C—Office of Inspections and Evaluations, TIGTA

Treasury IG for Tax Administration, 401 W Peachtree St., Atlanta, GA 30308–3539.

Treasury IG for Tax Administration, 4050 Alpha Road, Dallas, TX 75244.

[FR Doc. 2020–09435 Filed 5–1–20; 8:45 am]

BILLING CODE 4810–04–P

FEDERAL REGISTER

Vol. 85 Monday,

No. 86 May 4, 2020

Part II

Nuclear Regulatory Commission

10 CFR Part 50

American Society of Mechanical Engineers 2015–2017 Code Editions Incorporation by Reference; Final Rule

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[NRC–2016–0082]

RIN 3150–AJ74

American Society of Mechanical Engineers 2015–2017 Code Editions Incorporation by Reference

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to incorporate by reference the 2015 and 2017 Editions of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code and the 2015 and 2017 Editions of the American Society of Mechanical Engineers Operation and Maintenance of Nuclear Power Plants, Division 1: OM Code: Section IST, for nuclear power plants. The NRC is also incorporating by reference two revised American Society of Mechanical Engineers code cases. This action is in accordance with the NRC's policy to periodically update the regulations to incorporate by reference new editions of the American Society of Mechanical Engineers Codes and is intended to maintain the safety of nuclear power plants and to make NRC activities more effective and efficient.

DATES: This final rule is effective on June 3, 2020. The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of June 3, 2020.

ADDRESSES: Please refer to Docket ID NRC–2016–0082 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 *http://www.regulations.gov* and search for Docket ID NRC–2016–0082. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions contact the individuals 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 *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Documents'' and then 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*. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *Attention:* The Public Document Room (PDR), where you may examine and order copies of public documents is currently closed. You may submit your request to the PDR via email at *PDR.Resource@nrc.gov* or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: James G. O'Driscoll, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–1325, email: *James.O'Driscoll@nrc.gov*; or Keith Hoffman, Office of Nuclear Reactor Regulation, telephone: 301–415–1294, email: *Keith.Hoffman@nrc.gov*. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Executive Summary

A. Need for the Regulatory Action

The NRC is amending its regulations to incorporate by reference the 2015 and 2017 Editions of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (BPV Code) and the 2015 and 2017 Editions of the ASME Operation and Maintenance of Nuclear Power Plants, Division 1: OM Code: Section IST (OM Code), for nuclear power plants. The NRC is also incorporating by reference two ASME code cases.

The ASME periodically revises and updates its codes for nuclear power plants by issuing new editions; this final rule is in accordance with the NRC's practice to incorporate those new editions into the NRC's regulations. This rule maintains the safety of nuclear power plants, makes NRC activities more effective and efficient, and allows nuclear power plant licensees and applicants to take advantage of the latest ASME Codes. The ASME is a voluntary consensus standards organization, and the ASME Codes are voluntary consensus standards. The NRC's use of the ASME Codes is consistent with applicable requirements of the National Technology Transfer and Advancement Act (NTTAA). See also Section XIV of this document, ''Voluntary Consensus Standards.''

B. Major Provisions

Major provisions of this final rule include:

- Incorporation by reference of ASME Codes (2015 and 2017 Editions of the BPV Code and the OM Code) into NRC regulations and delineation of NRC requirements for the use of these codes, including conditions.
- Incorporation by reference of two revised ASME Code Cases and delineation of NRC requirements for the use of these code cases, including conditions.
- Incorporation by reference of Electric Power Research Institute (EPRI), Topical Report, ''Materials Reliability Program: Topical Report for Primary Water Stress Corrosion Cracking Mitigation by Surface Stress Improvement'' (MRP–335, Revision 3–A), which provides requirements for the mitigation of primary water stress corrosion cracking on reactor vessel head penetrations and dissimilar metal butt welds.

C. Costs and Benefits

The NRC prepared a regulatory analysis to determine the expected costs and benefits of this final rule. The regulatory analysis identifies costs and benefits in both a quantitative fashion as well as in a qualitative fashion.

Based on the analysis, the NRC concludes that this final rule results in a net quantitative averted cost to the industry and the NRC. This final rule, relative to the regulatory baseline, results in a net averted cost for industry of $3.06 million based on a 7 percent net present value (NPV) and $3.29 million based on a 3 percent NPV. The estimated incremental industry averted cost per reactor unit ranges from $34,000 based on a 7 percent NPV to $36,600 based on a 3 percent NPV. The rulemaking alternative benefits the NRC by averting costs for reviewing and approving requests to use alternatives to the codes on a plant-specific basis under § 50.55a(z) of title 10 of the *Code of Federal Regulations* (10 CFR). The NRC net benefit ranges from $3.17 million (based on a 7 percent NPV) to $3.61 million (based on a 3 percent NPV).

Qualitative factors that were considered include regulatory stability and predictability, regulatory efficiency, and consistency with the provisions of the NTTAA. The regulatory analysis includes a discussion of the costs and benefits that were considered qualitatively. If the results of the regulatory analysis were based solely on quantified costs and benefits, the regulatory analysis would show that the rulemaking is justified because the total

quantified benefits of the regulatory action equal or exceed the costs of the action. When the qualitative benefits (including the safety benefit, cost savings, and other non-quantified benefits) are considered together with the quantified benefits, the benefits outweigh the identified quantitative and qualitative impacts.

The NRC has a decades-long practice of approving and/or mandating the use of certain parts of editions and addenda of the ASME Codes in § 50.55a. Continuing this practice in this final rule ensures regulatory stability and predictability. The practice also provides consistency across the industry and assures the industry and the public that the NRC will continue to support the use of the most updated and technically sound techniques developed by the ASME to provide adequate protection to the public. In this regard, the ASME Codes are voluntary consensus standards developed by technical committees composed of mechanical engineers and others who represent the broad and varied interests of their industries, from manufacturers and installers to insurers, inspectors, distributors, regulatory agencies, and end users. The standards have undergone extensive external review before being considered to be incorporated by reference by the NRC. Finally, the NRC's use of the ASME Codes is consistent with the NTTAA, which directs Federal agencies to adopt voluntary consensus standards instead of developing ''government-unique'' (*i.e.,* Federal agency-developed) standards, unless inconsistent with applicable law or otherwise impractical.

For more information, please see the regulatory analysis in ADAMS under Accession No. ML19098A807.

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I. Background

The American Society of Mechanical Engineers develops and publishes the BPV Code, which contains requirements for the design, construction, and inservice inspection (ISI) of nuclear power plant components; and the ASME Operation and Maintenance of Nuclear Power Plants, Division 1: OM Code: Section IST (OM Code),[1] which contains requirements for inservice testing (IST) of nuclear power plant components. Until 2012, the ASME issued new editions of the ASME BPV Code every 3 years and addenda to the editions annually, except in years when a new edition was issued. Similarly, the ASME periodically published new editions and addenda of the ASME OM Code. Starting in 2012, the ASME decided to issue editions of its BPV and OM Codes (no addenda) every 2 years with the BPV Code to be issued on the odd years (*e.g.,* 2013, 2015, etc.) and the OM Code to be issued on the even years[2] (*e.g.,* 2012, 2014, etc.). The new editions and addenda typically revise provisions of the ASME Codes to broaden their applicability, add specific elements to current provisions, delete specific provisions, and/or clarify them to narrow the applicability of the provision. The revisions to the editions and addenda of the ASME Codes do not significantly change code philosophy or approach.

The NRC's practice is to establish requirements for the design, construction, operation, ISI (examination), and IST of nuclear power plants by approving the use of editions and addenda of the ASME BPV and OM Codes (ASME Codes) in § 50.55a of title 10 of the *Code of Federal Regulations* (10 CFR). The NRC approves or mandates the use of certain parts of editions and addenda of these ASME Codes in § 50.55a through the rulemaking process of ''incorporation by reference.'' Upon incorporation by reference of the ASME Codes into § 50.55a, the provisions of the ASME Codes are legally-binding NRC requirements as delineated in § 50.55a, and subject to the conditions on certain specific ASME Codes' provisions that are set forth in § 50.55a. The editions and addenda of the ASME BPV and OM Codes were last incorporated by reference into the NRC's regulations in a final rule dated July 18, 2017 (82 FR 32934) and amended January 18, 2018 (83 FR 2525).

The ASME Codes are consensus standards developed by participants, including the NRC and licensees of nuclear power plants, who have broad and varied interests. The ASME's adoption of new editions of, and addenda to, the ASME Codes does not mean that there is unanimity on every provision in the ASME Codes. There may be disagreement among the technical experts, including the NRC's representatives on the ASME Code committees and subcommittees, regarding the acceptability or desirability of a particular code provision included in an ASME-approved Code edition or addenda. If the NRC determines that there is a significant technical or regulatory concern with a provision in an ASME-approved Code edition or addenda being considered for incorporation by reference, then the NRC conditions the use of that provision when it incorporates by reference that ASME Code edition or addenda into its regulations. In some instances, the condition increases the level of safety afforded by the ASME Code provision, or addresses a regulatory issue not considered by the ASME. In other instances, where research data or experience has shown that certain code provisions are unnecessarily conservative, the condition may provide that the code provision need not be complied with in some or all respects. The NRC's conditions are included in § 50.55a, typically in paragraph (b) of that section. In a Staff Requirements Memorandum dated September 10, 1999, (ADAMS Accession No. ML003755050) the Commission indicated that NRC rulemakings adopting (incorporating by reference) a voluntary consensus standard must identify and justify each part of the standard that is not adopted. For this final rule, the provisions of the 2015 and 2017 Editions of Section III, Division 1; and the 2015 and 2017 Editions of Section XI, Division 1, of the ASME BPV Code; and the 2015 and 2017 Editions of the ASME OM Code that the NRC is not adopting, or is only partially adopting, are identified in the Discussion, Regulatory Analysis, and Backfitting and Issue Finality sections of this document. The provisions of those specific editions and code cases that are the subject of this final rule that the NRC finds to be conditionally acceptable, together with the applicable

[1] The editions and addenda of the ASME *Code for Operation and Maintenance of Nuclear Power Plants* have had different titles from 2005 to 2017 and are referred to collectively in this rule as the ''OM Code.''

[2] The 2014 Edition of the ASME OM Code was delayed and was designated the 2015 Edition. Similarly, the 2016 Edition of the OM Code was delayed and was designated the 2017 Edition.

conditions, are also identified in the Discussion, Regulatory Analysis, and Backfitting and Issue Finality sections of this document.

The ASME Codes are voluntary consensus standards, and the NRC's incorporation by reference of these codes is consistent with applicable requirements of the NTTAA. Additional discussion on the NRC's compliance with the NTTAA is set forth in Section XIV of this document, ''Voluntary Consensus Standards.''

II. Discussion

The NRC regulations incorporate by reference ASME Codes for nuclear power plants. This final rule is the latest in a series of rulemakings to amend the NRC's regulations to incorporate by reference revised and updated ASME Codes for nuclear power plants. This final rule is intended to maintain the safety of nuclear power plants and make NRC activities more effective and efficient.

The NRC follows a three-step process to determine acceptability of new provisions in new editions to the Codes and the need for conditions on the uses of these Codes. This process was employed in the review of the Codes that are the subjects of this rule. First, the NRC staff actively participates with other ASME committee members with full involvement in discussions and technical debates in the development of new and revised Codes. This includes a technical justification of each new or revised Code. Second, the NRC's committee representatives discuss the Codes and technical justifications with other cognizant NRC staff to ensure an adequate technical review. Third, the NRC position on each Code is reviewed and approved by NRC management as part of the rule amending § 50.55a to incorporate by reference new editions of the ASME Codes and conditions on their use. This regulatory process, when considered together with the ASME's own process for developing and approving the ASME Codes, provides reasonable assurance that the NRC approves for use only those new and revised Code edition and addenda, with conditions as necessary, that provide reasonable assurance of adequate protection to the public health and safety, and that do not have significant adverse impacts on the environment.

The NRC is amending its regulations to incorporate by reference:

- The 2015 and 2017 Editions to the ASME BPV Code, Section III, Division 1 and Section XI, Division 1, with conditions on their use.
- The 2015 and 2017 Editions to Division 1 of the ASME OM Code, with conditions on their use.
- ASME BPV Code Case N–729–6, ''Alternative Examination Requirements for PWR [Pressurized Water Reactor] Reactor Vessel Upper Heads With Nozzles Having Pressure-Retaining Partial-Penetration Welds, Section XI, Division 1,'' ASME approval date: March 3, 2016, with conditions on its use.
- ASME BPV Code Case N–770–5, ''Alternative Examination Requirements and Acceptance Standards for Class 1 PWR Piping and Vessel Nozzle Butt Welds Fabricated with UNS N06082 or UNS W86182 Weld Filler Material With or Without Application of Listed Mitigation Activities, Section XI, Division 1,'' ASME approval date: November 7, 2016, with conditions on its use.
- ''Materials Reliability Program: Topical Report for Primary Water Stress Corrosion Cracking Mitigation by Surface Stress Improvement'' (MRP–335, Revision 3–A), EPRI approval date: November 2016, with conditions on its use.

The current regulations in § 50.55a(a)(1)(i) incorporate by reference ASME BPV Code, Section III, 1963 Edition through the 1970 Winter Addenda; and the 1971 Edition (Division 1) through the 2013 Edition (Division 1), subject to the conditions identified in current § 50.55a(b)(1)(i) through (b)(1)(ix). This final rule revises § 50.55a(a)(1)(i) to incorporate by reference the 2015 and 2017 Editions (Division 1) of the ASME BPV Code, Section III.

The current regulations in § 50.55a(a)(1)(ii) incorporate by reference ASME BPV Code, Section XI, 1970 Edition through the 1976 Winter Addenda; and the 1977 Edition (Division 1) through the 2013 Edition (Division 1), subject to the conditions identified in current § 50.55a(b)(2)(i) through (b)(2)(xxxvii). This final rule revises § 50.55a(a)(1)(ii) to remove exclusions from the incorporation by reference of specific paragraphs of the 2011a Addenda and the 2013 Edition of ASME BPV Code, Section XI, as explained in this final rule. This final rule also revises § 50.55a(a)(1)(ii) to incorporate by reference 2015 and 2017 Editions (Division 1) of the ASME BPV Code, Section XI. It also clarifies the wording and adds, removes, or revises some of the conditions as explained in this final rule.

The current regulations in § 50.55a(a)(1)(iv) incorporate by reference ASME OM Code, 1995 Edition through the 2012 Edition, subject to the conditions currently identified in § 50.55a(b)(3)(i) through (b)(3)(xi). The NRC is revising § 50.55a(a)(1)(iv) to incorporate by reference the 2015 and 2017 Editions of Division 1 of the ASME OM Code. As a result, the NRC regulations incorporate by reference in § 50.55a the 1995 Edition through the 2017 Edition of the ASME OM Code.

The NRC is revising § 50.55a(a)(4) to include the Electric Power Research Institute, Materials Reliability Program, 3420 Hillview Avenue, Palo Alto, CA 94304–1338; telephone: 1–650–855–200; *http://www.epri.com,* as a new source for a standard incorporated by reference in § 50.55a.

The NRC reviewed changes to the Codes in the editions of the Codes identified in this final rule, and published a proposed rule in the **Federal Register** setting forth the NRC's proposal to incorporate by reference the ASME Codes, together with proposed conditions on their use (83 FR 56156; November 9, 2018). After consideration of the public comments received on the proposed rule (public comments are discussed in Section IV of this document, ''NRC Responses to Public Comments''), the NRC concludes, in accordance with the process for review of changes to the Codes, that each of the editions of the Codes, are technically adequate, consistent with current NRC regulations, and approved for use with specified conditions set forth in this final rule. Each of the NRC conditions and the reasons for each condition are discussed in the following sections of this document. The discussions are organized under the applicable ASME Code and Section.

The two ASME Code Cases being incorporated by reference in this final rule (N–729–6 and N–770–5) are discussed in Section II.D of this document, ''ASME Code Cases.''

A. ASME BPV Code, Section III

10 CFR 50.55a(a)(1)(i)(E) Rules for Construction of Nuclear Facility Components—Division 1

The NRC is revising § 50.55a(a)(1)(i)(E) to incorporate by reference the 2015 and 2017 Editions of the ASME BPV Code, Section III, including Subsection NCA and Division 1 Subsections NB through NH (for the 2015 Edition) and Subsections NB through NG (for the 2017 Edition) and Appendices. As stated in § 50.55a(a)(1)(i), the Nonmandatory Appendices are excluded and not incorporated by reference. The Mandatory Appendices are incorporated by reference because they include information necessary for Division 1.

However, the Mandatory Appendices also include material that pertains to other Divisions that have not been reviewed and approved by the NRC. Although this information is included in the sections and appendices being incorporated by reference, the NRC notes that the use of Divisions other than Division 1 has not been approved, nor are these Divisions required by NRC regulations and, therefore, such information is not relevant to current applicants and licensees. Therefore, this rule clarifies that current applicants and licensees may only use the sections of the Mandatory Appendices that pertain to Division 1. The NRC is not taking a position on the non-Division 1 information in the appendices and is including it in the incorporation by reference only for convenience.

10 CFR 50.55a(b)(1)(v) Section III Condition: Independence of Inspection

The 1995 Edition through the 2009b Addenda of the 2007 Edition of ASME BPV Code, Section III, Subsection NCA, endorsed the NQA–1–1994 Edition (Nuclear Quality Assurance–1) in NCA–4000, ''Quality Assurance.'' Paragraph (a) of NCA–4134.10, ''Inspection,'' states, ''The provisions of NQA–1 Basic Requirement 10 and Supplement 10S–1, shall apply, except for paragraph 3.1, and the requirements of Inservice Inspection.'' Paragraph 3.1, ''Reporting Independence,'' of Supplement 10S–1, of NQA–1, states, ''Inspection personnel shall not report directly to the immediate supervisors who are responsible for performing the work being inspected.'' In the 2010 Edition through the latest ASME BPV Code Editions of NCA, the Code removed the paragraph 3.1 exception for reporting independence.

Based on the above changes to the Code, the NRC is revising the condition to limit the condition so that it is applicable only for the 1995 Edition through 2009b Addenda of the 2007 Edition, where the NQA–1–1994 Edition is referenced.

In response to public comments on the proposed revision to this condition, the NRC is revising the condition to clarify that that the condition applies to only paragraph 3.1 of Supplement 10S–1 of NQA–1–1994 Edition.

10 CFR 50.55a(b)(1)(vi) Section III Condition: Subsection NH

The NRC is revising the existing condition since Subsection NH of Section III Division 1 no longer exists in the 2017 Edition of ASME BPV Code, Section III Division 1. The change is to reflect that Subsection NH existed from the 1995 Addenda through 2015 Edition of Section III Division 1. In 2015, Subsection NH contents also were included in Section III Division 5 Subpart B. In the 2017 Edition of the ASME Code, Subsection NH was deleted from Division 1 of Section III and became part of Division 5 of Section III. Division 5 of Section III is not incorporated by reference in § 50.55a. Therefore, the NRC is revising the condition to make it applicable to the 1995 Addenda through all Editions and addenda up to and including the 2013 Edition.

10 CFR 50.55a(b)(1)(x) Section III Condition: Visual Examination of Bolts, Studs, and Nuts

Visual examination is one of the processes for acceptance of a bolt, stud, or nut to ensure its structural integrity and its ability to perform its intended function. The 2015 Edition of the ASME Code contains this requirement; however, the 2017 Edition does not require these visual examinations to be performed in accordance with NX–5100 and NX–5500. Therefore, the NRC is adding two conditions to ensure adequate procedures remain and qualified personnel remain capable of determining the structural integrity of these components.

10 CFR 50.55a(b)(1)(x) Section III Condition: Visual Examination of Bolts, Studs, and Nuts, First Provision

The NRC is adding § 50.55a(b)(1)(x) to condition the provisions of NB–2582, NC–2582, ND–2582, NE–2582, NF–2582, NG–2582 in the 2017 Edition of Section III. The condition is that visual examinations are required to be performed in accordance with procedures qualified to NB–5100, NC–5100, ND–5100, NE–5100, NF–5100, and NG–5100, and personnel qualified to NB–5500, NC–5500, ND–5500, NE–5500, NF–5500, and NG–5500, respectively. The 2015 Edition of the ASME Code contains this requirement. The visual examination is one of the processes for acceptance of the final product to ensure its structural integrity and its ability to perform its intended function. The 2017 Edition does not require these visual examinations to be performed in accordance with NX–5100 and NX–5500. All other final examinations (magnetic particle testing (MT), liquid penetrant testing (PT), ultrasonic testing (UT) and radiographic testing (RT)) for acceptance of the final product in the 2017 Edition require the procedures and personnel to be qualified to NX–5100 and NX–5500.

Therefore, the NRC is adding § 50.55a(b)(1)(x)(A) to condition the provisions of NB–2582, NC–2582, ND–2582, NE–2582, NF–2582,and NG–2582 in the 2017 Edition of Section III to require that procedures are qualified to NB–5100, NC–5100, ND–5100, NE–5100, NF–5100, and NG–5100, and personnel are qualified to NB–5500, NC–5500, ND–5500, NE–5500, NF–5500, and NG–5500, respectively, in order to ensure adequate procedures and personnel remain capable of determining the structural integrity of these components. This is particularly important for small bolting, studs, and nuts that only receive a visual examination. As stated in NX–4123 of Section III, only inspections performed in accordance with Article NX–4000 (*e.g.,* marking, dimensional measurement, fitting, alignment) are exempted from NX–5100 and NX–5500, and may be qualified in accordance with the Certificate Holder's Quality Assurance Program.

10 CFR 50.55a(b)(1)(x) Section III Condition: Visual Examination of Bolts, Studs, and Nuts, Second Provision

The 2017 Edition requires that the final surfaces of threads, shanks, and heads be visually examined for workmanship, finish, and appearance in accordance with ASTM F788, for bolting material, and ASTM F812, for nuts. This examination is for acceptance of the final product to ensure its structural integrity, especially for small bolting that only receives a visual examination. However, performing an inspection for workmanship or appearance to the bolting specification is not necessarily sufficient to ensure the integrity of the bolts and nuts for their intended function in a reactor. The visual examination in Section III for bolting and nuts is intended to determine structural integrity for its intended function, which may entail quality requirements more stringent than the bolting specifications. As specified in the 2015 Edition of Section III: ''discontinuities such as laps, seams, or cracks that would be detrimental to the intended service are unacceptable.''

Therefore, the NRC is adding § 50.55a(b)(1)(x)(B) to condition the provisions of NB–2582, NC–2582, ND–2582, NE–2582, NF–2582, and NG–2582 in the 2017 Edition of Section III, to require that bolts, studs, and nuts must be visually examined for discontinuities including cracks, bursts, seams, folds, thread lap, voids and tool marks.

10 CFR 50.55a(b)(1)(xi) Section III Condition: Mandatory Appendix XXVI

The NRC is adding a new paragraph with conditions on the use of ASME BPV Code, Section III, Appendix XXVI, for installation of high density

polyethylene (HDPE) pressure piping. This Appendix is new in the 2015 Edition of Section III, and electrofusion joining was added to this Appendix in the 2017 Edition of Section III. The 2015 Edition of Section III is the first time the ASME Code has provided standards for the use of polyethylene piping. The NRC has determined that the conditions that follow in § 50.55a(b)(1)(xi)(A) through (C) are necessary in order to use polyethylene piping in Class 3 safety-related applications. The conditions in § 50.55a(b)(1)(xi)(A) and (B) pertain to butt fusion joints and apply to both the 2015 and 2017 Editions of Section III. The conditions in § 50.55a(b)(1)(xi)(C) pertain to electrofusion joints and apply only to the 2017 Edition of Section III.

Both NRC and industry-funded independent research programs have shown that joint failure is the most likely cause of structural failure in HDPE piping systems. Poorly manufactured joints are susceptible to early structural failure driven by ''slow crack growth,'' a form of subcritical creep crack growth that is active in HDPE. The following three provisions are aimed at ensuring the highest quality for joints in HDPE systems and reducing the risk of poor joint fabrication. These provisions minimize the risk of joint structural failure and the resulting potential loss of system safety function.

10 CFR 50.55a(b)(1)(xi)(A) Mandatory Appendix XXVI: First Provision

The NRC is adding a new paragraph (b)(1)(xi)(A), which specifies the essential variables to be used in qualifying fusing procedures for butt fusion joints in polyethylene piping installed in accordance with ASME Section III, Mandatory Appendix XXVI. The NRC does not endorse the use of a standardized fusing procedure specification. A fusion procedure specification will need to be generated for each butt fusion joint with the essential variables, as listed.

Per ASME BPV Code Section IX, QF–252, essential variables are those that will affect the mechanical properties of the fused joint, if changed, and require requalification of the Fusing Procedure Specification (FPS), Standard Fusing Procedure Specification (SFPS), or Manufacturer Qualified Electrofusion Procedure Specification (MEFPS) when any change exceeds the specified limits of the values recorded in the FPS for that variable. Fourteen essential variables for HDPE butt fusion joints for nuclear applications have been identified by NRC and industry experts through extensive research and field experience. Ten of these essential variables are the same as those identified in ASME BPV Code, Section IX, Table QF–254, which applies to all HDPE butt fusions and is not limited to nuclear applications. The other four variables deemed essential by the NRC are: Diameter, cross-sectional area, ambient temperature, and fusing machine carriage model. These four additional variables are recognized by industry experts as being essential for butt fusion joints in nuclear safety applications and have been included in a proposal to list essential variables for butt fusion in the 2019 Edition of ASME BPV Code, Section III, Mandatory Appendix XXVI.

For nuclear applications, the use of HDPE is governed by ASME BPV Code, Section III, Mandatory Appendix XXVI. The NRC has determined that to ensure butt fusion joint quality is adequate for nuclear safety applications, referencing ASME BPV Code, Section IX in ASME BPV Code, Section III, Mandatory Appendix XXVI is not sufficient, because ASME BPV Code, Section IX is not incorporated into NRC regulations. Therefore, the NRC is including the essential variables for HDPE butt fusion as a condition on the use of ASME BPV Code Section III, Mandatory Appendix XXVI. This provision addresses the fact that the essential variables for HDPE butt fusion are not listed in the 2015 and 2017 Editions of ASME BPV Code, Section III, Mandatory Appendix XXVI. Proposals to incorporate these essential variables for butt fusion in the 2019 Edition of the Code have already been drafted and circulated within the ASME Code Committees. In the meantime, the NRC is adding this provision to ensure butt fusion joint quality for nuclear safety applications.

10 CFR 50.55a(b)(1)(xi)(B) Mandatory Appendix XXVI: Second Provision

The NRC is adding a new paragraph (b)(1)(xi)(B), which requires bend tests or high speed tensile impact testing to qualify fusing procedures for joints in polyethylene piping installed in accordance with ASME BPV Code, Section III, Mandatory Appendix XXVI.

Based on limited confirmatory research on the inservice behavior of HDPE butt fusion joints, as well as research results from The Welding Institute in the UK, the NRC has determined the need to add a condition to ensure the quality of butt fusion joints. When performing procedure qualification for high speed tensile impact testing of butt fusion joints in accordance with XXVI–2300 or XXVI–4330, breaks in the specimen that are away from the fusion zone must be retested. When performing fusing operator qualification bend tests of butt fusion joints in accordance with XXVI–4342, guided side bend testing must be used for all thicknesses greater than 1.25 inches.

10 CFR 50.55a(b)(1)(xi)(C) Mandatory Appendix XXVI: Third Provision

The NRC is adding a new paragraph (b)(1)(xi)(C), which specifies the essential variables to be used in qualifying fusing procedures for electrofusion of fusion joints in polyethylene piping that is to be installed in accordance with ASME BPV Code, Section III, Mandatory Appendix XXVI. The NRC does not endorse the use of a standardized fusing procedure specification. A fusion procedure specification will need to be generated for each electrofusion joint with the essential variables as listed.

Per ASME BPV Code, Section IX, QF–252: ''Essential variables are those that will affect the mechanical properties of the fused joint, if changed, and require requalification of the FPS, SFPS, or MEFPS when any change exceeds the specified limits of the values recorded in the FPS for that variable.'' Sixteen essential variables for HDPE electrofusion for nuclear applications have been identified by NRC and industry experts through extensive research and field experience. Twelve of these essential variables are the same as those identified in ASME BPV Code, Section IX Table QF–255, which applies to all HDPE electrofusion and is not limited to nuclear applications. The other four variables deemed essential by the NRC are: Fitting polyethylene material, pipe wall thickness, power supply, and processor. These four additional variables are recognized by industry experts as being essential for electrofusion joints in nuclear safety applications and have been included in a proposal to list essential variables for electrofusion in the 2019 Edition of ASME BPV Code, Section III Mandatory Appendix XXVI.

For nuclear applications, the use of HDPE is governed by ASME BPV Code, Section III Mandatory Appendix XXVI. The NRC has determined that, to ensure electrofusion joint quality is adequate for nuclear safety applications, referencing ASME BPV Code, Section IX in ASME BPV Code, Section III Mandatory Appendix XXVI is not sufficient, because ASME BPV Code, Section IX is not incorporated into NRC regulations. Therefore, the NRC is including the essential variables for HDPE electrofusion as a condition on the use of ASME Section III, Mandatory Appendix XXVI. This provision addresses the fact that the essential

variables for HDPE electrofusion are not listed in the 2015 and 2017 Editions of ASME BPV Code, Section III, Mandatory Appendix XXVI. Proposals to incorporate these essential variables for electrofusion in the 2019 Edition of the Code have already been drafted and circulated within the ASME Code Committees. In the meantime, the NRC is adding this provision to ensure electrofusion joint quality for nuclear safety applications.

10 CFR 50.55a(b)(1)(xii) Section III Condition: Certifying Engineer

The NRC is adding a new condition § 50.55a(b)(1)(xii) Section III Condition: *Certifying Engineer.* In the 2017 Edition of ASME BPV Code, Section III, Subsection NCA, the following Subsections were updated to replace the term ''Registered Professional Engineer,'' with term ''Certifying Engineer'' to be consistent with ASME BPV Code Section III Mandatory Appendix XXIII.

- NCA–3255 ''Certification of the Design Specifications''
- NCA–3360 ''Certification of the Construction Specification, Design Drawings, and Design Report''
- NCA–3551.1 ''Design Report''
- NCA–3551.2 ''Load Capacity Data Sheet''
- NCA–3551.3 ''Certifying Design Report Summary'' and
- NCA–3555 ''Certification of Design Report''
- Table NCA–4134.17–2, ''Nonpermanent Quality Assurance Records''
- NCA–5125, ''Duties of Authorized Nuclear Inspector Supervisors''
- NCA–9200, ''Definitions''

The NRC reviewed these changes and has determined that the use of a Certifying Engineer instead of a Registered Professional Engineer applies only to non-U.S. nuclear facilities. The NRC has determined that a Certifying Engineer, who is also a Registered Professional Engineer licensed in one of the states of the United States, is acceptable for U.S. nuclear facilities regulated by the NRC. As a result, the NRC is adding a new condition to § 50.55a(b)(1), that would not allow applicants and licensees to use a Certifying Engineer who is not also a Registered Professional Engineer for code-related activities that are applicable to U.S. nuclear facilities regulated by the NRC.

B. ASME BPV Code, Section XI

10 CFR 50.55a(b)(2) Conditions on ASME BPV Code, Section XI

The NRC is amending the regulations in § 50.55a(b)(2) to incorporate by reference the 2015 and the 2017 Editions (Division 1) of the ASME BPV Code, Section XI. The current regulations in § 50.55a(b)(2) incorporate by reference ASME BPV Code, Section XI, 1970 Edition through the 1976 Winter Addenda; and the 1977 Edition (Division 1) through the 2013 Edition (Division 1), subject to the conditions identified in current § 50.55a(b)(2)(i) through (xxix). This final rule revises the introductory text to § 50.55a(b)(2) to incorporate by reference the 2015 Edition (Division 1) and the 2017 Edition (Division 1) of the ASME BPV Code, Section XI, clarifies the wording, and revises or provides some additional conditions.

10 CFR 50.55a(b)(2)(vi) Effective Edition and Addenda of Subsection IWE and Subsection IWL

The NRC is removing the existing condition § 50.55a(b)(2)(vi). A final rule was published in the **Federal Register** (61 FR 41303) on August 8, 1996, which incorporated by reference the ASME BPV Code, Section XI, Subsection IWE and Subsection IWL for the first time. The associated statements of consideration for that rule identified the 1992 Edition with 1992 Addenda of Subsection IWE and Subsection IWL as the earliest version that the NRC found acceptable. A subsequent rule published on September 22, 1999 (64 FR 51370), included the 1995 Edition with the 1996 Addenda as an acceptable edition of the ASME BPV Code. The statements of considerations for a later rule published on September 26, 2002 (67 FR 60520), noted that the 1992 Edition with the 1992 Addenda, or the 1995 Edition with the 1996 Addenda of Subsection IWE and IWL must be used when implementing the initial 120-month interval for the ISI of Class MC and Class CC components, and that successive 120-month interval updates must be implemented in accordance with § 50.55a(g)(4)(ii).

This requirement was in place to expedite the initial containment examinations in accordance with Subsections IWE and IWL, which were required to be completed during the 5-year period from September 6, 1996, to September 9, 2001. Now that there is an existing framework in place for containment examinations in accordance with Subsections IWE and IWL, there is no need for a condition specific to the initial examination interval. The examinations conducted during the initial interval can be conducted in accordance with § 50.55a(g)(4).

10 CFR 50.55a(b)(2)(vii) Section XI Condition: Section XI References to OM Part 4, OM Part 6, and OM Part 10 (Table IWA–1600–1).

The NRC is removing the existing condition § 50.55a(b)(2)(vii). This paragraph describes the editions and addenda of the ASME OM Code to be used with the Section XI references to OM Part 4, OM Part 6, and OM Part 10 in Table IWA–1600–1 of Section XI. The condition is applicable to the ASME BPV Code, Section XI, Division 1, 1987 Addenda, 1988 Addenda, or 1989 Edition. Paragraph (g)(4)(ii) requires that a licensee's successive 120-month inspection intervals comply with the requirements of the latest edition and addenda of the Code incorporated by reference in § 50.55a(b)(2). Because licensees are no longer using these older editions and addenda of the Code referenced in this paragraph, this condition can be removed.

10 CFR 50.55a(b)(2)(ix) Metal Containment Examinations

The NRC is revising § 50.55a(b)(2)(ix), to require compliance with new condition § 50.55a(b)(2)(ix)(K). The condition ensures containment leak-chase channel systems are properly inspected in accordance with the applicable requirements. The NRC specifies the application of this condition to all editions and addenda of Section XI, Subsection IWE, of the ASME BPV Code, prior to the 2017 Edition, that are incorporated by reference in paragraph (b) of § 50.55a.

10 CFR 50.55a(b)(2)(ix)(K) Metal Containment Examinations

The NRC is adding § 50.55a(b)(2)(ix)(K) to ensure containment leak-chase channel systems are properly inspected.

Regulations in § 50.55a(g), ''Inservice Inspection Requirements,'' require that licensees implement the inservice inspection program for pressure retaining components and their integral attachments of metal containments and metallic liners of concrete containments in accordance with Subsection IWE of Section XI of the applicable edition and addenda of the ASME Code, incorporated by reference in paragraph (b) of § 50.55a and subject to the applicable conditions in paragraph (b)(2)(ix). The regulatory condition in § 50.55a(b)(2)(ix)(A) or equivalent provision in Subsection IWE of the ASME Code (2006 and later editions and addenda only) requires that licensees shall evaluate the acceptability of inaccessible areas when conditions exist in accessible areas that could

indicate the presence of, or result in, degradation to such inaccessible areas.

The containment floor weld leak-chase channel system forms a metal-to-metal interface with the containment shell or liner, the test connection end of which is at the containment floor level. Therefore, the leak-chase system provides a pathway for potential intrusion of moisture that could cause corrosion degradation of inaccessible embedded areas of the pressure-retaining boundary of the basemat containment shell or liner within it. In addition to protecting the test connection, the cover plates and plugs and accessible components of the leak-chase system within the access box are also intended to prevent intrusion of moisture into the access box and into the inaccessible areas of the shell/liner within the leak-chase channels, thereby protecting the shell and liner from potential corrosion degradation that could affect leak-tightness.

The containment ISI program required by § 50.55a to be implemented in accordance with Subsection IWE, of the ASME Code, Section XI, subject to regulatory conditions, requires special consideration of areas susceptible to accelerated corrosion degradation and aging, and barriers intended to prevent intrusion of moisture and water accumulation against inaccessible areas of the containment pressure-retaining metallic shell or liner. The containment floor weld leak-chase channel system is one such area subject to accelerated degradation and aging if moisture intrusion and water accumulation is allowed on the embedded shell and liner within it. Therefore, the leak-chase channel system is subject to the inservice inspection requirements of § 50.55a(g)(4).

The NRC Information Notice (IN) 2014–07, ''Degradation of Leak-Chase Channel Systems for Floor Welds of Metal Containment Shell and Concrete Containment Metallic Liner,'' (ADAMS Accession No. ML14070A114) discusses examples of licensees that did not conduct the required inservice inspections. The IN also summarizes the NRC's basis for including the leak-chase components within the scope of Subsection IWE, of the ASME Code, Section XI, and how licensees could fulfill the requirements. The NRC guidance explains that 100 percent of the accessible components of the leak-chase system should be inspected during each inspection period. There are three inspection periods in one ten-year inspection interval.

After issuance of IN 2014–07, the NRC received feedback during a public meeting between NRC and ASME management, held on August 22, 2014 (ADAMS Accession No. ML14245A003), noting that the IN guidance appeared to be in conflict with ASME Section XI Interpretation XI–1–13–10. In response to the comment during the public meeting, the NRC issued a letter to ASME (ADAMS Accession No. ML14261A051), which stated that the NRC found the provisions in the IN to be consistent with the requirements in the ASME Code; and the NRC may consider adding a condition to § 50.55a to clarify the expectations. The ASME responded to the NRC's letter (ADAMS Accession No. ML15106A627) and noted that a condition in the regulations may be appropriate to clarify the NRC's position.

Based on the operating experience summarized in IN 2014–07, and the industry feedback, the NRC has determined that a new condition is necessary in § 50.55a(b)(2)(ix) to clarify the NRC's expectations and to ensure steel containment shells and liners receive appropriate examinations. In the 2017 Edition of the ASME Code, a provision was added that clearly specifies the examination of leak-chase channels. The provision requires 100 percent examination of the leak-chase channel closures over a ten-year inspection interval, as opposed to 100 percent during each inspection period. Although the examination frequency is relaxed compared to the NRC's position as identified in IN 2014–07, the NRC finds the provision in the 2017 Edition acceptable because the examination includes provisions for scope expansion and examinations of additional closures if degradation is identified within an inspection period. The NRC chose to align the condition with the acceptable provision in the latest approved edition of the ASME Code.

This condition is applicable to all editions and addenda of the ASME Code prior to the 2017 Edition. The condition is being applied to all previous editions to clarify the NRC's position in the regulation. Licensees that are using a previous edition (*i.e.,* an edition prior to the 2015 Edition that has been incorporated by reference previously) of the ASME Code for their current IWE inspection program interval may continue to conduct the required inspections in accordance with the NRC's position identified in IN 2014–17 (*i.e.,* 100 percent examination every inspection period), or licensees may implement the condition as described in this rule, as long as they can demonstrate that 100 percent of the inspections have been, or will be, completed within the current interval, as required by the condition.

10 CFR 50.55a(b)(2)(xvii) Section XI Condition: Reconciliation of Quality Requirements

The NRC is removing the condition found in the current § 50.55a(b)(2)(xvii). This paragraph describes requirements for reconciliation of quality requirements when purchasing replacement items. When licensees use the 1995 Addenda through 1998 Edition of ASME BPV Code, Section XI, this condition required replacement items to be purchased in accordance with the licensee's quality assurance program description required by § 50.34(b)(6)(ii), in addition to the reconciliation provisions of IWA–4200. The NRC has accepted without conditions the content of IWA–4200 in versions of the Code since the 1999 Addenda of Section XI. Paragraph 50.55a(g)(4)(ii) requires that licensee's successive 120-month inspection intervals comply with the requirements of the latest edition and addenda of the Code incorporated by reference in § 50.55a(b)(2). Subsequently, licensees are no longer using these older editions and addenda of the Code referenced in this paragraph therefore this condition can be removed. Section 50.55a(b)(2)(xvii) is designated as [Reserved].

10 CFR 50.55a(b)(2)(xviii)(D) NDE Personnel Certification: Fourth Provision

The NRC is amending the condition found in § 50.55a(b)(2)(xviii) to extend the applicability of the condition through the latest edition incorporated by reference in paragraph (a)(1)(ii) of this section of ASME BPV Code, Section XI. This current condition prohibits those licensees which use ASME BPV Code, Section XI, 2011 Addenda through the 2013 Edition from using Appendix VII, Table VII–4110–1 and Appendix VIII, Subarticle VIII–2200. The condition requires licensees and applicants using these versions of Section XI to use the prerequisites for ultrasonic examination personnel certifications in Appendix VII, Table VII–4110–1 and Appendix VIII, Subarticle VIII–2200 in the 2010 Edition. This condition was added when the 2010 through the 2013 Edition was incorporated by reference. When ASME published the 2015 and 2017 Editions, Appendix VII, Table VII–4110–1 and Appendix VIII, Subarticle VIII–2200 of ASME BPV Code, Section XI were not modified in a way that would make it possible for the NRC to remove this condition. Therefore, the NRC is amending this condition to extend the applicability to the latest

edition incorporated by reference in paragraph (a)(1)(ii) of § 50.55a.

10 CFR 50.55a(b)(2)(xx)(B) System Leakage Tests: Second Provision

The NRC is amending the condition found in § 50.55a(b)(2)(xx)(B) to clarify the NRC's expectations related to the nondestructive examination (NDE) required when a system leakage test is performed (in lieu of a hydrostatic test) following repair and replacement activities performed by welding or brazing on a pressure retaining boundary using the 2003 Addenda through the latest edition and addenda of ASME BPV Code, Section XI incorporated by reference in paragraph (a)(1)(ii) of § 50.55a. Industry stakeholders have expressed confusion as to what Code edition/addenda the requirements for NDE and pressure testing were required to satisfy. The NRC is modifying the condition to clarify that the NDE method (*e.g.,* surface, volumetric, etc.) and acceptance criteria of the 1992 Edition or later of ASME BPV Code, Section III shall be met. The actual nondestructive examination and pressure testing may be performed using procedures and personnel meeting the requirements of the licensee's/applicant's current ISI code of record. This condition was first put in place by the NRC in a final rule that became effective October 10, 2008 (73 FR 52730). The NRC determined the condition was necessary because the ASME BPV Code eliminated the requirement to perform the Section III NDE when performing a system leakage test in lieu of a hydrostatic test following repairs and replacement activities performed by welding or brazing on a pressure retaining boundary in the 2003 Addenda of ASME BPV Code, Section XI. When ASME published the 2015 Edition and the 2017 Editions, IWA–4520 was not modified in a way that would make it possible for the NRC to remove this condition. Therefore, the NRC is amending this condition to extend the applicability to the latest edition incorporated by reference in paragraph (a)(1)(ii) of § 50.55a.

10 CFR 50.55a(b)(2)(xx)(C) System Leakage Tests: Third Provision

The NRC is adding § 50.55a(b)(2)(xx)(C) to provide two conditions for the use of the alternative Boiling Water Reactor (BWR) Class 1 system leakage test described in IWB–5210(c) and IWB–5221(d) of the 2017 Edition of ASME Section XI. The first condition addresses a prohibition against the production of heat through the use of a critical reactor core to raise the temperature of the reactor coolant and pressurize the reactor coolant pressure boundary (RCPB) (sometimes referred to as nuclear heat). The second condition addresses the duration of the hold time when testing non-insulated components to allow potential leakage to manifest itself during the performance of system leakage tests.

The alternative BWR Class 1 system leakage test was intended to address concerns that performing the ASME-required pressure test for BWRs under shutdown conditions, (1) places the unit in a position of significantly reduced margin, approaching the fracture toughness limits defined in the Technical Specification Pressure-Temperature (P–T) curves, and (2) requires abnormal plant conditions/alignments, incurring additional risks and delays, while providing little added benefit beyond tests, which could be performed at slightly reduced pressures under normal plant conditions. However, due to restrictions imposed by the pressure control systems, most BWRs cannot obtain reactor pressure corresponding to 100 percent rated power during normal startup operations at low power levels that would be conducive to performing examinations for leakage. The alternative test would be performed at slightly reduced pressures and normal plant conditions, which the NRC finds will constitute an adequate leak examination and would reduce the risk associated with abnormal plant conditions and alignments.

However, the NRC has had a longstanding prohibition against the production of heat through the use of a critical reactor core to raise the temperature of the reactor coolant and pressurize the RCPB for the purpose of pressure testing. A letter dated February 2, 1990, from James M. Taylor, Executive Director for Operations, NRC, to Messrs. Nicholas S. Reynolds and Daniel F. Stenger, Nuclear Utility Backfitting and Reform Group (ADAMS Accession No. ML14273A002), established the NRC's position with respect to use of a critical reactor core to raise the temperature of the reactor coolant and pressurize the RCPB for the purpose of pressure testing. In summary, the NRC's position is that testing under these conditions involves serious impediments to careful and complete inspections and therefore creates inherent uncertainty with regard to assuring the integrity of the RCPB. Further, the practice is not consistent with basic defense-in-depth safety principles.

The NRC's position, established in 1990, was reaffirmed in IN No. 98–13, ''Post-Refueling Outage Reactor Pressure Vessel Leakage Testing Before Core Criticality,'' dated April 20, 1998. The IN was issued in response to a licensee that had conducted an ASME BPV Code, Section XI, leakage test of the reactor pressure vessel (RPV) and subsequently discovered that it had violated 10 CFR part 50, appendix G, paragraph IV.A.2.d. This regulation states that pressure tests and leak tests of the reactor vessel that are required by Section XI of the ASME Code must be completed before the core is critical. The IN references NRC Inspection Report 50–254(265)–97027 (ADAMS Accession No. ML15216A276), which documents that licensee personnel performing VT–2 examinations of the drywell at one BWR plant covered 50 examination areas in 12 minutes, calling into question the adequacy of the VT–2 examinations.

The bases for the NRC's historical prohibition of pressure testing with the core critical are summarized as follows:

1. Nuclear operation of a plant should not commence before completion of system hydrostatic and leakage testing to verify the basic integrity of the RCPB, a principal defense-in-depth barrier to the accidental release of fission products. In accordance with the defense-in-depth safety precept, the nuclear power plant design provides for multiple barriers to the accidental release of fission products from the reactor.

2. Hydrotesting must be done essentially water solid (*i.e.,* free of pockets of air, steam or other gases) so that stored energy in the reactor coolant is minimized during a hydrotest or leaktest.

3. The elevated reactor coolant temperatures, associated with critical operation, result in a severely uncomfortable and difficult working environment in plant spaces where the system leakage inspections must be conducted. The greatly increased stored energy in the reactor coolant, when the reactor is critical, increases the hazard to personnel and equipment in the event of a leak. As a result, the ability for plant workers to perform a comprehensive and careful inspection becomes greatly diminished.

However, the NRC has determined that pressure testing with the core critical is acceptable under the following conditions: when performed after repairs of a limited scope; where only a few locations or a limited area needs to be examined; and when ASME Code Section XI, Table IWB–2500–1, Category B–P (the pressure test required once per cycle of the entire RCPB) has been recently performed verifying the integrity of the overall RCPB. The NRC

also notes the alternative BWR Class 1 system leakage test does not allow for the use of the alternative test pressure following repairs/replacements on the RPV; therefore, it does not violate 10 CFR part 50, appendix G. The NRC has determined that the risk associated with nuclear heat at low power is comparable with the risk to the plant when the test is performed without nuclear heat (with the core subcritical) during mid-cycle outages, when decay heat must be managed. Performing the pressure test under shutdown conditions at full operating pressure without nuclear heat requires securing certain key pressure control, heat removal, and safety systems. It is more difficult to control temperature and pressure when there is significant production of decay heat (*e.g.,* after a mid-cycle outage), and may reduce the margin available to prevent exceeding the plant pressure-temperature limits.

When the pressure test is conducted using nuclear heat, the scope of repairs should be relatively small in order to minimize the personnel safety risk and to avoid rushed examinations. The alternative BWR Class 1 system leakage test does not place any restrictions on the size or scope of the repairs for which the alternative may be used, provided the alternative test pressure is not used to satisfy pressure test requirements following repair/replacement activities on the reactor vessel. It is impractical to specify a particular number of welded or mechanical repairs that would constitute a ''limited scope.'' However, if the plant is still in a refueling outage and has already performed the ASME Section XI Category B–P pressure test of the entire RCPB, it is likely that subsequent repairs would be performed only on an emergent basis, and would generally be of a limited scope. Additionally, the overall integrity of the RCPB will have been recently confirmed via the Category B–P test. For mid-cycle maintenance outages, the first condition allows the use of nuclear heat to perform the test, if the outage duration is 14 days or less. This would tend to limit the scope of repairs, and also limit the use of the code case to outages where there is a significant production of decay heat. Therefore, the first condition on the alternative BWR Class 1 system leakage test states: ''The use of nuclear heat to conduct the BWR Class 1 system leakage test is prohibited (*i.e.* the reactor must be in a non-critical state), except during refueling outages in which the ASME Section XI Category B–P pressure test has already been performed, or at the end of mid-cycle maintenance outages fourteen (14) days or less in duration.''

With respect to the second condition and adequate pressure test hold time, the technical analysis supporting the alternative BWR Class 1 system leakage test indicates that the lower test pressure provides more than 90 percent of the flow that would result from the pressure corresponding to 100 percent power. However, a reduced pressure means a lower leakage rate, so additional time is required in order for there to be sufficient leakage to be observed by inspection personnel. Section XI, paragraph IWA–5213, ''Test Condition Holding Time,'' does not require a holding time for Class 1 components, once test pressure is obtained. To account for the reduced pressure, the alternative BWR Class 1 system leakage test would require a 15-minute hold time for non-insulated components. The NRC has determined that 15 minutes does not allow for an adequate examination because it is not possible to predict the entire range of scenarios or types of defects that could result in leakage. Some types of defects could result in immediate leakage, such as an improperly torqued bolted connection; however other types of defects, such as weld defects or tight cracks, could present a more torturous path for leakage and result in delayed leakage. Due to the uncertainty in the amount of time required for leakage to occur to an extent that it would be readily detectable by visual examination, the NRC has determined that it is appropriate to conservatively specify a longer hold time of 1 hour for non-insulated components. Therefore, the second condition for the alternative BWR Class 1 system leakage test requires a 1 hour hold time for non-insulated components.

10 CFR 50.55a(b)(2)(xxi) Section XI Condition: Table IWB–2500–1 Examination Requirements

The NRC is removing the condition found in § 50.55a(b)(2)(xxi)(A) to allow licensees to use the current editions of ASME BPV Code, Section XI, Table IWB 2500–1, Examination Category B–D, Full Penetration Welded Nozzles in Vessels, Items B3.40 and B3.60 (Inspection Program A) and Items B3.120 and B3.140 (Inspection Program B). These inspection categories concern pressurizer and steam generator nozzle inner radius section examinations. Previously, the condition required licensees to use the 1998 Edition, which required examination of the nozzle inner radius when using the 1999 Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of § 50.55a. As these inspection requirements were removed in the ASME BPV Code in 1999, this change eliminates the requirement to examine the nozzle inner radii in steam generators and pressurizers.

The requirements for examinations of inner nozzle radii in several components were developed in the ASME BPV Code in reaction to the discovery of thermal fatigue cracks in the inner radius section of boiling water reactor feedwater nozzles in the late 1970's and early 1980's. As described in NUREG/CR–7153, ''Expanded Materials Degradation Assessment (EMDA),'' (ADAMS Accession Nos. ML14279A321, ML14279A461, ML14279A349, ML14279A430, and ML14279A331), and NUREG–0619–Rev–1, ''BWR Feedwater Nozzle and Control Rod Drive Return Line Nozzle Cracking: Resolution of Generic Technical Activity A–10 (Technical Report),'' (ADAMS Accession No. ML031600712), the service-induced flaws that have been observed are cracks at feedwater nozzles associated with mixing of lower-temperature water with hot water in a BWR vessel with rare instances of underclad and shallow cladding cracking appearing in pressurized water reactor (PWR) nozzles. Feedwater nozzle inner radius cracking has not been detected since the plants changed operation of the low flow feedwater controller. Significant inspections and repairs were required in the late 1970s and early 1980s to address these problems. The redesign of safe end/thermal sleeve configurations and feedwater spargers, coupled with changes in operating procedures, has been effective to date. No further occurrences of nozzle fatigue cracking have been reported for PWRs or BWRs.

When the new designs and operating procedures appeared to have mitigated the nozzle inner radius cracking, the ASME BPV Code, Section XI requirements to inspect steam generator and pressurizer nozzle inner radii were removed in the 1999 Addenda of ASME BPV Code, Section XI. Since the NRC imposed the condition requiring that these areas be inspected in 2002, no new cracking has been identified in steam generator or pressurizer nozzle inner radii. The NRC finds that the complete absence of cracking since the operational change provides reasonable assurance that the observed cracking was the result of operational practices that have been discontinued. Because the inner radius inspections were instituted solely based on the observed cracking and since the cracking mechanism has now been resolved through changes in operation, the NRC

finds that the intended purpose of the steam generator and pressurizer inner radius exams no longer exists and that the exams can be discontinued. In addition to operating experience, the NRC has reviewed the nozzle inner radii examinations as part of approving alternatives and granting relief requests concerning inspections of the pressurizer and steam generator nozzle inner radii. In the safety evaluations for proposed alternatives, the NRC has concluded that the fatigue analysis for a variety of plants shows that there is reasonable assurance that there will not be significant cracking at the steam generator or pressurizer nozzle inner radii before the end of the operating licenses of the nuclear power plants.

Therefore, based on the design changes, operating experiences, and analysis done by industry and the NRC, the NRC is removing § 55.55a(b)(2)(xxi)(A), which requires the inspection of pressurizer and steam generator nozzle inner radii.

10 CFR 50.55a(b)(2)(xxi)(B) Table IWB–2500–1 Examination Requirements

The NRC is adding a new paragraph (b)(2)(xxi)(B) that places conditions on the use of the provisions of IWB–2500(f) and (g) and Notes 6 and 7 of Table IWB–2500–1 of the 2017 Edition of ASME BPV Code, Section XI. These provisions allow licensees of BWRs to reduce the number of Item Number B3.90 and B3.100 components to be examined from 100 percent to 25 percent. These conditions require licensees using the provisions of IWB–2500(f) to maintain the evaluations that determined the plant satisfied the criteria of IWB–2500(f) as records in accordance with IWA–1400. The conditions prohibit use of a new provision in Section XI, 2017 Edition, Table 2500–1 Category B–D, Full Penetration Welded Nozzles in Vessels, Items B3.90 and B3.100, specific to BWR nuclear power plants with renewed operating licenses or renewed combined licensees in accordance with 10 CFR part 54. The final condition does not allow the use of these provisions to eliminate preservice or inservice volumetric examinations of plants with a Combined Operating License pursuant to 10 CFR part 52, or a plant that receives its operating license after October 22, 2015.

The addition of these provisions addresses the incorporation of Code Case N–702, ''Alternative Requirements for Boiling Water Reactor (BWR) Nozzle Inner Radius and Nozzle-to-Shell Welds Section XI, Division 1,'' into the Code. The conditions are consistent with those in Regulatory Guide (RG) 1.147, ''Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1,'' Revision 19.

The NRC finds that eliminating the volumetric preservice or inservice examination, as allowed by implementing the provisions of IWB–2500(g) and Note 7 of Table IWB–2500–1, is predicated on good operating experience for the existing fleet, which has not found any inner radius cracking in the nozzles within scope of the code case. New reactor designs do not have any operating experience; therefore, the condition ensures that new reactors will perform volumetric examinations of nozzle inner radii to gather operating experience.

10 CFR 50.55a(b)(2)(xxv) Section XI Condition: Mitigation of Defects by Modification

The NRC is amending the condition found in § 50.55a(b)(2)(xxv) to allow the use of IWA–4340 of ASME BPV Code, Section XI, 2011 Addenda through 2017 Edition with conditions. The modification of § 50.55a(b)(2)(xxv) adds paragraph (A) and continues the prohibition of IWA–4340 for Section XI editions and addenda prior to the 2011 Addenda. It adds paragraph (B), which contains the five conditions that the NRC is proposing to place on the use of IWA–4340 of Section XI, 2011 Addenda through 2017 Edition. In response to public comments, the NRC modified the third condition and added the fourth and fifth conditions.

10 CFR 50.55a(b)(2)(xxv)(A) Mitigation of Defects by Modification: First Provision

The NRC is adding paragraph (b)(2)(xxv)(A), which continues the prohibition of IWA–4340 for Section XI editions and addenda prior to the 2011 Addenda. IWA–4340 as originally incorporated into Section XI, Subsubarticle IWA–4340 did not include critical requirements that were incorporated into later editions of Section XI such as: (a) Characterization of the cause and projected growth of the defect; (b) verification that the flaw is not propagating into material credited for structural integrity; (c) prohibition of repeated modifications where a defect area grew into the material required for the modification; and (d) pressure testing. Therefore, the NRC prohibited the use of IWA–4340 in its original form. This new paragraph is necessary to maintain the prohibition because the NRC, as described in the following paragraph, is allowing the use of IWA–4340 of Section XI, 2011 Addenda through 2017 Edition.

10 CFR 50.55a(b)(2)(xxv)(B) Mitigation of Defects by Modification: Second Provision

The NRC is adding paragraph (b)(2)(xxv)(B) to allow the use of IWA–4340 of Section XI, 2011 Addenda through 2017 Edition with five conditions. The NRC finds that IWA–4340 as incorporated into later editions of Section XI was improved with requirements such as: (a) Characterization of the cause and projected growth of the defect; (b) verification that the flaw is not propagating into material credited for structural integrity; (c) prohibition of repeated modifications where a defect area grew into the material required for the modification; and (d) pressure testing. With inclusion of these requirements and those stated in the following conditions, the NRC concludes that there are appropriate requirements in place to provide reasonable assurance that the modification will provide an adequate pressure boundary, even while considering potential growth of the defect. The conditions and the basis for each are as follows:

- The first condition prohibits the use of IWA–4340 on crack-like defects or those associated with flow accelerated corrosion. The design requirements and potentially the periodicity of follow-up inspections might not be adequate for crack-like defects that could propagate much faster than defects due to loss of material. Therefore, the NRC is prohibiting the use of IWA–4340 on crack-like defects. Loss of material due to flow accelerated corrosion is managed by licensee programs based on industry standards. The periodicity of follow-up inspections is best managed by plant-specific flow accelerated corrosion programs. In addition, subparagraph IWA–4421(c)(2) provides provisions for restoring minimum required wall thickness by welding or brazing, including loss of material due to flow accelerated corrosion.
- The second condition requires the design of a modification that mitigates a defect to incorporate a loss of material rate either 2 times the actual measured corrosion rate in the location, or 4 times the estimated maximum corrosion rate for the piping system. Corrosion rates are influenced by local conditions (*e.g.,* flow rate, discontinuities). The condition to extrapolate a loss of material rate either 2 times the actual measured corrosion rate in the location, or 4 times the estimated maximum corrosion rate for the system is consistent with ASME Code Cases N–786–1, ''Alternative Requirements for

Sleeve Reinforcement of Class 2 and 3 Moderate Energy Carbon Steel Piping,'' and N–789, ''Alternative Requirements for Pad Reinforcement of Class 2 and 3 Moderate Energy Carbon Steel Piping for Raw Water Service.''

• The third condition requires the licensee to perform a wall thickness examination in the vicinity of the modification and relevant pipe base metal during each refueling outage cycle to detect propagation of the defect into the material credited for structural integrity of the item, unless the examinations in the two refueling outage cycles subsequent to the installation of the modification are capable of validating the projected flaw growth. Where the projected flaw growth has been validated, the modification shall be examined at half its expected life or once per interval whichever is smaller. The NRC concludes that the provision allowed by subparagraph IWA–4340(g) to conduct follow-up wall thickness measurements only to the extent that they demonstrate that the defect has not propagated into the material credited for structural integrity is not sufficient because it does not provide a verification of the projected flaw growth. Subparagraph IWA–4340(h) does not fully address the NRC's concern because it allows for projected flaw growth to be based on ''prior Owner or industry experiences with the same conditions'' instead of specific measurements in the location of the modification. The condition allows for only conducting examinations in the two refueling outages subsequent to the installation of the modification, consistent with subparagraph IWA–4340(g), if the measurements are capable of projecting the flaw growth. In response to public comments on the proposed condition, the NRC recognized that the requirement in IWA–4340(i) to conduct an examination at the modification location every interval could be interpreted to not be required based on the ''practicality'' statement in the cross referenced IWA–4340(g). The NRC has concluded that even if the flaw growth has been confirmed, and as a result, refueling outage interval inspections are not being conducted, over time, flaw growth rates could possibly accelerate. Although there is significant margin in the analyses, the NRC added a requirement to this condition to examine the modification at half its expected life or once per interval, whichever is smaller, to ensure that the potential effect of varying flaw growth rates is managed.

In response to public comments on the proposed condition, the NRC recognized that it may be onerous to perform follow-up examinations every refueling outage for modifications installed in inaccessible locations. The NRC is adding exceptions to the condition for buried pipe locations at potentially reduced intervals. One exception allows wall thickness measurements at a comparable accessible piping location where loss of material has occurred due to internal corrosion and the second addresses loss of material due to external corrosion.

• For buried pipe locations where the loss of material has occurred due to internal corrosion, the refueling outage interval wall thickness examinations may be conducted at a different location in the same system as long as: (a) Wall thickness measurements were conducted at the different location at the same time as installation of the modification; (b) the flow profile and flow characteristics are similar at the different location; (c) the piping configuration is the same (*e.g.,* straight run of pipe, elbow, tee), and (d) if pitting occurred at the modification location, but not at the different location, wall loss values must be multiplied by four. Where wall loss values are greater than that assumed during the design of the modification, the structural integrity of the modification shall be reanalyzed. Additionally, if the extent of degradation is different (*i.e.,* through wall, percent wall loss plus or minus 25 percent) or the corrosion mechanism (*e.g.,* general, pitting) is not the same at the different location as at the modification location, the modification must be examined at half its expected life or 10 years, whichever is smaller.

• For buried pipe locations where loss of material has occurred due to external corrosion, the modification must be examined at half its expected life or 10 years, whichever is smaller. The NRC staff included this condition because for external corrosion, there is no comparable accessible location.

10 CFR 50.55a(b)(2)(xxvi) Section XI Condition: Pressure Testing Class 1, 2 and 3 Mechanical Joints

The NRC is amending the condition found in § 50.55a(b)(2)(xxvi) to clarify the NRC's expectations related to the pressure testing of ASME BPV Code Class 1, 2, and 3 mechanical joints disassembled and reassembled during the performance of an ASME BPV Code, Section XI activity. Industry stakeholders have expressed confusion with the current regulatory requirements with regard to when a pressure test is required and which year of the Code the pressure testing should be in compliance with in accordance with this condition. The NRC is modifying the condition to clarify that all mechanical joints in Class 1, 2 and 3 piping and components greater than NPS–1 that are disassembled and reassembled during the performance of a Section XI activity (*e.g.,* a repair/replacement activity requiring documentation on a Form NIS–2) shall be pressure tested in accordance with IWA–5211(a). The pressure testing shall be performed using procedures and personnel meeting the requirements of the licensee's/applicant's current code of record. This condition was first put in place by the NRC in the final rule effective November 1, 2004 (69 FR 58804). The NRC determined that the condition was necessary because the ASME BPV Code eliminated the requirements to pressure test Class 1, 2, and 3 mechanical joints undergoing repair and replacement activities in the 1999 Addenda. The NRC finds that pressure testing of mechanical joints affected by repair and replacement activities is necessary to ensure and verify the leaktight integrity of the system pressure boundary.

10 CFR 50.55a(b)(2)(xxxii) Section XI Condition: Summary Report Submittal

The NRC is amending the condition found in § 50.55a(b)(2)(xxxii) to address the use of Owner Activity Reports. Through the 2009 Edition of ASME BPV Code, Section XI, Owners were required to prepare Summary Reports of preservice and inservice examinations and repair replacement activities. This condition was added when the 2010 and the 2013 Edition was incorporated by reference because up until that time, Owners were required to submit these reports to the regulatory authority having jurisdiction of the plant site. The 2010 Edition removed the requirement for submittal from IWA–6240(c), to state that submittal was only mandatory if required by the authority. The NRC added the condition in paragraph (b)(2)(xxxii) to require submittal of Summary Reports. In the 2015 Edition of ASME BPV Code, Section XI the title of these reports was changed from Summary Reports to Owner Activity Reports. Therefore, the NRC is amending the condition to also require the submittal of Owner Activity Reports.

10 CFR 50.55a (b)(2)(xxxiv) Section XI Condition: Nonmandatory Appendix U

The NRC is amending the requirements in current paragraph (b)(2)(xxxiv) to make the condition applicable to the latest edition incorporated by reference in paragraph (a)(1)(ii) of § 50.55a. The current condition in paragraph (b)(2)(xxxiv)(A)

requires repair and replacement activities temporarily deferred under the provisions of Nonmandatory Appendix U to be performed during the next scheduled refueling outage. This condition was added when the 2013 Edition was incorporated by reference. When ASME published the 2015 Edition and the 2017 Edition, Nonmandatory Appendix U was not modified in a way that would make it possible for the NRC to remove this condition. Therefore, the NRC is modifying this condition to make it apply to the latest edition incorporated by reference in paragraph (a)(1)(ii) of § 50.55a.

The current condition in paragraph (b)(2)(xxxiv)(B) requires a mandatory appendix in ASME Code Case N–513–3 to be used as the referenced appendix for paragraph U–S1–4.2.1(c). This condition was also added when the 2013 Edition was incorporated by reference. The omission that made this condition necessary was remedied in the 2017 Edition. Therefore, the NRC is modifying this condition to make it apply only to the 2013 and the 2015 Editions.

10 CFR 50.55a(b)(2)(xxxv) Section XI Condition: Use of RT_{T0} in the K_{Ia} and K_{Ic} Equations

The NRC is redesignating the requirements in current paragraph (b)(2)(xxxv), that address the use of the 2013 Edition of ASME BPV Code, Section XI, Appendix A, paragraph A–4200, as (b)(2)(xxxv)(A). The ASME BPV Code has addressed the NRC concern related to this condition in the 2015 Edition; however, it is still relevant to licensees/applicants using the 2013 Edition. The NRC is adding a new paragraph (b)(2)(xxv)(B) to condition the use of 2015 Edition of ASME BPV Code, Section XI, Appendix A, paragraph A–4200(c), to require the use of the equation $RT_{KIa} = T_0 + 90.267 \exp(-0.003406T_0)$ for U.S. Customary Units (U.S. Units) in lieu of the equation shown in the Code. Paragraph A–4200(c) was added in the 2015 Edition to provide for an alternative method in establishing a fracture-toughness-based reference temperature, RT_{T0}, for pressure retaining materials, using fracture toughness test data. The equation shown for the International System of Units (SI Units) was derived from test data. The equation shown for U.S. Units was a converted version of the equation shown for the SI Units. Unfortunately, an error was made in the conversion, which makes the equation shown for U.S. Units incorrect. The equation shown above in this paragraph for RT_{KIa} is the correct formula for U.S. Units.

10 CFR 50.55a(b)(2)(xxxvi) Section XI Condition: Fracture Toughness of Irradiated Materials

The NRC is amending the condition found in § 50.55a(b)(2)(xxxvi) to extend the applicability to use of the 2015 and 2017 Editions of ASME BPV Code, Section XI. This current condition requires licensees using ASME BPV Code, Section XI, 2013 Edition, Appendix A, paragraph A–4400, to obtain NRC approval before using irradiated T_0 and the associated RT_{T0} in establishing fracture toughness of irradiated materials. This condition was added when the 2013 Edition was incorporated by reference because the newly introduced A–4200(b) could mislead the users of Appendix A into adopting methodology that is not accepted by the NRC. When ASME published the 2015 Edition and the 2017 Edition, Appendix A of the ASME BPV Code, Section XI was not modified in a way that would make it possible for the NRC to remove this condition. Therefore, the NRC is modifying this condition to make it apply to the 2015 and 2017 Editions.

10 CFR 50.55a(b)(2)(xxxviii) Section XI Condition: ASME Code Section XI Appendix III Supplement 2

The NRC is adding § 50.55a(b)(2)(xxxviii) to condition ASME BPV Code, Section XI Appendix III Supplement 2. Supplement 2 is closely based on ASME Code Case N–824, ''Ultrasonic Examination of Cast Austenitic Piping Welds From the Outside Surface Section XI, Division 1,'' which was incorporated by reference with conditions in § 50.55a(b)(2)(xxxvii). The conditions on ASME BPV Code, Section XI Appendix III Supplement 2 are consistent with the conditions on ASME Code Case N–824, published in July 18, 2017 (82 FR 32934).

The conditions are derived from research into methods for inspecting Cast Austenitic Stainless Steel (CASS) components; these methods are published in NUREG/CR–6933, ''Assessment of Crack Detection in Heavy-Walled Cast Stainless Steel Piping Welds Using Advanced Low-Frequency Ultrasonic Methods,'' (ADAMS Accession Nos. ML071020410 and ML071020414), and NUREG/CR–7122, ''An Evaluation of Ultrasonic Phased Array Testing for Cast Austenitic Stainless Steel Pressurizer Surge Line Piping Welds,'' (ADAMS Accession No. ML12087A004). These NUREG/CR reports show that CASS materials less than 1.6 inches thick can be reliably inspected for flaws 10 percent through wall or deeper if encoded phased array examinations are performed using low ultrasonic frequencies and a sufficient number of inspection angles. Additionally, for thicker welds, flaws greater than 30 percent through wall in depth can be detected using low-frequency encoded phased array ultrasonic inspections.

The NRC, using NUREG/CR–6933 and NUREG/CR–7122, has determined that sufficient technical basis exists to condition ASME BPV Code, Section XI, Appendix III Supplement 2. The NUREG/CR reports show that CASS materials produce high levels of coherent noise and that the noise signals can be confusing and mask flaw indications. The optimum inspection frequencies for examining CASS components of various thicknesses as described in NUREG/CR–6933 and NUREG/CR–7122 are reflected in condition § 50.55a(b)(2)(xxxviii)(A). As NUREG/CR–6933 shows that the grain structure of CASS can reduce the effectiveness of some inspection angles, the NRC finds sufficient technical basis for the use of ultrasound using angles including, but not limited to, 30 to 55 degrees, with a maximum increment of 5 degrees. This is reflected in condition § 50.55a(b)(2)(xxxviii)(B).

10 CFR 50.55a(b)(2)(xxxix)(A) Defect Removal: First Provision

The NRC is adding § 50.55a(b)(2)(xxxix)(A) to place conditions on the use of ASME BPV Code, Section XI, IWA–4421(c)(1). The condition establishes that the final configuration of the item will be in accordance with the original Construction Code, later editions and addenda of the Construction Code, or a later different Construction Code, as well as meeting the Owner's Requirements or revised Owner's Requirements. This condition ensures that welding, brazing, fabrication, and installation requirements, as well as design requirements for material, design or configuration changes, are consistent with the Construction Code and Owner's Requirements. This condition retains the intent of the revision to Section XI that: (a) Replacements in kind are acceptable; (b) replacements with alternative configurations are acceptable as long as Construction Code and Owner's Requirements are met; and (c) defect removal is required; however, this can be accomplished by replacing all or a portion of the item containing the defect.

10 CFR 50.55a(b)(2)(xxxix)(B) Defect Removal: Second Provision

The NRC is adding § 50.55a(b)(2)(xxxix)(B) to place conditions on the use of ASME BPV Code, Section XI, IWA–4421(c)(2). The inclusion of subparagraph IWA–4421(c)(2) is intended to address wall thickness degradation where the missing wall thickness is restored by weld metal deposition. This repair activity restores the wall thickness to an acceptable condition; however, it does not ''remove'' the degraded wall thickness (*i.e.,* the defect); rather, restoration of wall thickness by welding or brazing mitigates the need to remove the defect. The NRC finds that increasing the wall thickness of an item to reclassify a crack from a defect to a flaw [3] is not acceptable because there are no provisions in subparagraph IWA–4421(c)(2) for analyses and ongoing monitoring of potential crack growth. Therefore, this condition prohibits the use of subparagraph IWA–4421(c)(2) rather than replacement for crack-like defects.

10 CFR 50.55a(b)(2)(xl) Section XI Condition: Prohibitions on Use of IWB–3510.4(b)

The NRC is adding § 50.55a(b)(2)(xl) to prohibit the use of ASME BPV Code, Section XI, 2017 Edition, Subparagraphs IWB–3510.4(b)(4) and IWB–3510.4(b)(5), which allow use of certain acceptance standard tables for high yield strength ferritic materials because they are not supported by the fracture toughness data.

The ASME BPV Code, Section XI, Subarticle IWB–3500 provides acceptance standards for pressure retaining components made of ferritic steels. Subparagraph IWB–3510.4 specifies material requirements for ferritic steels for application of the acceptance standards. In prior editions of the ASME BPV Code, Section XI, the material requirements for ferritic steels for which the acceptance standards of IWB–3500 apply are included in a note under the title of tables that specify allowable flaw sizes (*e.g.,* Table IWB–3510–1 ''Allowable Planar Flaws''). Subparagraph IWB–3510.4 separates ferritic materials into three groups: (a) Those with a minimum yield strength of 50 ksi or less, (b) five ferritic steels with these material designations: SA–508 Grade 2 Class 2 (former designation: SA–508 Class 2a), SA–508 Grade 3 Class 2 (former designation: SA–508 Class 3a), SA–533 Type A Class 2 (former designation: SA–533 Grade A Class 2), SA–533 Type B Class 2 (former designation: SA–533 Grade B Class 2), and SA–508 Class 1, and (c) those with greater than 50 ksi but not exceeding 90 ksi. The material requirements for ferritic steels with a minimum yield strength of 50 ksi or less and those with greater than 50 ksi but not exceeding 90 ksi are explicitly specified. However, there are no material requirements for the five ferritic steels identified above.

The NRC finds Subparagraph IWB–3510.4(a) acceptable because it is consistent with the current material requirements for ferritic steels having a minimum yield strength of 50 ksi or less. The NRC finds Subparagraph IWB–3510.4(c) acceptable because it is consistent with the current material requirements for ferritic steels having a minimum yield strength of greater than 50 ksi to 90 ksi.

The NRC does not find subparagraphs IWB–3510.4(b)(4) and (5) acceptable for the following reasons. The NRC plotted the ASME BPV Code, Section XI static plain-strain fracture toughness (K_{Ic}) curve in relevant figures in an ASME conference paper, PVP2010–25214, ''Fracture Toughness of Pressure Boundary Steels with Higher Yield Strength'' that shows dynamic fracture toughness (K_{Id}) data for materials listed in IWB–3510.4 (b)(1) to IWB–3510.4 (b)(4). The NRC confirmed that the materials listed in IWB–3510.4 (b)(1) and IWB–3510.4 (b)(3) are acceptable because the data are above the K_{IC} curve with adequate margin to compensate for the limited size of the data set. Additionally, the NRC has approved the use of the materials listed in IWB–3510.4 (b)(1) and IWB–3510.4 (b)(3) in a licensing and a design certification application. For the material listed in IWB–3510.4 (b)(2), K_{Id} data was demonstrated to be above the crack arrest fracture toughness (K_{Ia}). The NRC has previously determined the K_{Ia} fracture toughness standard to be acceptable. Hence, the materials listed in IWB–3510.4 (b)(2) are acceptable. However, the technical basis document does not provide sufficient data to support exclusion of the fracture toughness requirements for the materials specified in Subparagraphs IWB–3510.4(b)(4) and IWB–3510.4(b)(5).

This condition does not change the current material requirements because licensees/applicants may continue to use testing to show that the two prohibited materials meet the material requirements.

10 CFR 50.55a(b)(2)(xli) Section XI Condition: Preservice Volumetric and Surface Examinations Acceptance

The NRC is adding § 50.55a(b)(2)(xli) to prohibit the use of ASME BPV Code, Section XI, Subparagraphs IWB–3112(a)(3) and IWC–3112(a)(3) in the 2013 through 2017 Edition. The NRC is prohibiting these items consistent with a final rule that approved ASME BPV Code Cases for use, dated January 17, 2018, (83 FR 2331).

During the review of public comments that were submitted on the proposed rule, dated March 2, 2016, (81 FR 10780), the NRC identified inconsistencies between Regulatory Guide 1.193, ''ASME Code Cases Not Approved for Use,'' Revision 5, and a then concurrent proposed rule to incorporate by reference the 2009–2013 Editions of the ASME BPV Code (80 FR 56819), dated December 2, 2015.

Specifically, conditions that pertain to the NRC's disapproval of Code Case N–813, ''Alternative Requirements for Preservice Volumetric and Surface Examination,'' in the ASME BPV Code Regulatory Guide 1.193 proposed rule were not included in the ASME BPV 2009–2013 Editions proposed rule; however, the content of Code Case N–813 had been incorporated in the 2013 Edition of the ASME Code, Section XI. In order to resolve this conflict, the NRC excluded from the incorporation by reference those applicable portions of Section IX in the 2011a Addenda and the 2013 Edition, in § 50.55a(a)(1)(ii)(C)(*52*) and (*53*) respectively. This allowed the NRC to develop an appropriate regulatory approach for the treatment of these provisions that is consistent with the ASME BPV Code Regulatory Guide 1.193 rulemaking, in which the NRC found the acceptance of preservice flaws by analytical evaluation unacceptable.

Code Case N–813 is a proposed alternative to the provisions of the 2010 Edition of the ASME Code, Section XI, paragraph IWB–3112. Paragraph IWB–3112 does not allow the acceptance of flaws detected in the preservice examination by analytical evaluation. Code Case N–813 would allow the acceptance of these flaws through analytical evaluation. Per paragraph IWB–3112, any preservice flaw that exceeds the acceptance standards of Table IWB–3410–1 must be removed. While it is recognized that operating experience has shown that large through-wall flaws and leakages have developed in previously repaired welds as a result of weld residual stresses, the NRC has the following concerns

[3] As defined in ASME BPV Code, Section XI, Article IWA–9000, a ''flaw'' is as an imperfection or unintentional discontinuity that is detectable by nondestructive examination and a ''defect'' is defined as a flaw of such size, shape, orientation, location, or properties as to be rejectable.

regarding the proposed alternative in Code Case N–813:

(1) The requirements of paragraph IWB–3112 were developed to ensure that defective welds were not placed in service. The NRC finds that a preservice flaw detected in a weld that exceeds the acceptance standards of Table IWB–3410–1 demonstrates poor workmanship and/or inadequate welding practice and procedures. The NRC finds that such an unacceptable preservice flaw needs to be removed and the weld needs to be repaired before it is placed in service.

(2) Under Code Case N–813 Paragraph B–3112(a)(3), large flaws would be allowed to remain in service because paragraph IWB–3132.3, via paragraph IWB–3643, allows a flaw up to 75 percent through-wall to remain in service. The NRC finds that larger flaws could grow to an unacceptable size between inspections, reducing structural margin and potentially challenging the structural integrity of safety-related Class 1 and Class 2 piping.

Paragraph C–3112(a)(3) of Code Case N–813, provides the same alternatives for Class 2 piping as that of Paragraph B–3112(a)(3). The NRC has the same concerns for Class 2 piping as for Class 1 piping.

Therefore, for the acceptance of preservice flaws by analytical evaluation, the NRC is adding a condition that prohibits the use of IWB–3112(a)(3) and IWC–3112(a)(3) in the 2013 Edition of ASME BPV Code Section XI through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of § 50.55a.

10 CFR 50.55a(b)(2)(xlii) Section XI Condition: Steam Generator Nozzle-to-Component Welds and Reactor Vessel Nozzle-to-Component Welds

The NRC is adding § 50.55a(b)(2)(xlii) to require that the examination of steam generator nozzle-to-component welds and reactor vessel nozzle-to-component welds must be a full volume examination and that the ultrasonic examination procedures, equipment, and personnel must be qualified by performance demonstration in accordance with Mandatory Appendix VIII of ASME Code, Section XI. These conditions are consistent with the conditions on ASME Code Case N–799 in Revision 19 of RG 1.147.[4]

This code case was developed for new construction of recent reactor designs to provide examination requirements for weld configurations (*i.e.,* component-to-component welds). Specifically, the examination requirements described in Code Case N–799 apply to the weld configurations for the steam generator nozzle-to-reactor coolant pump casing weld in the AP1000 design and the reactor vessel-to-recirculation pump weld in the Advanced Boiling Water Reactor design. These weld configurations and the associated examination requirements did not exist in Section XI and have now been incorporated into ASME Code, Section XI, IWB–2500. The NRC is authorizing the use of these examination requirements incorporated into Section XI, IWB–2500, with similar conditions to those on the use of Code Case N–799. The NRC is simplifying the conditions in Revision 19 of RG 1.147 by combining them and also relaxing the condition concerning removing or repairing defects that are examined by procedures qualified to detect or depth size defects.

The first simplified condition in this rule combines the part of the first condition from Revision 19 of RG 1.147 concerning qualification with the second and third conditions, which also addresses qualification. This consolidation of the conditions from Revision 19 of RG 1.147 simplifies the qualification requirements by reducing the length and number of conditions.

The second simplified condition in this rule combines part of the first condition from Revision 19 of RG 1.147 concerning full volume examination with the fourth condition, which requires flaws (cracks) detected but not sized to the requirements of ASME Code, Section XI, Appendix VIII be repaired or removed. This simplified second condition relaxes the conditions from Revision 19 of RG 1.147 by allowing acceptance of flaws based on a flaw evaluation for the portion of the weld volume that is not examined by a qualified ultrasonic examination in accordance with ASME Code, Section XI, Appendix VIII.

The NRC recognizes that factors exist that may limit the ultrasonic examination volume that can be qualified by performance demonstration. For example, the qualified volume would be limited in components with wall thicknesses beyond the crack detection and sizing capabilities of a through wall ultrasonic performance-based qualification. To address the scenario in which the examination volume that can be qualified by performance demonstration is less than 100 percent of the volume, the NRC is allowing an ultrasonic examination of the qualified volume, provided that a flaw evaluation is performed to demonstrate the integrity of the examination volume that cannot be qualified by performance demonstration. The flaw evaluation should be of the largest hypothetical crack that could exist in the volume not qualified for ultrasonic examination. The licensee's revised examination plan is subject to prior NRC approval as an alternative in accordance with § 50.55a(z). The NRC determines that this relaxed condition provides assurance that the integrity of the welds in question will be maintained, despite a limited examination capability.

Therefore, in order to ensure that the examinations of steam generator nozzle-to-component welds and reactor vessel nozzle-to-component welds will be examinations of the full volume of the welds and that the ultrasonic examination procedures, equipment, and personnel are qualified by performance demonstration, in accordance with Mandatory Appendix VIII of ASME Code, Section XI, the NRC is adding conditions to the provisions of Table IWB–2500–1, Examination Category B–F, Pressure Retaining Dissimilar Metal Welds in Vessel Nozzles, Item B5.11 (Reactor Vessel, NPS 4 or Larger Nozzle-to-Component Butt Welds) of the 2013 Edition through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of § 50.55a. The NRC is also adding similar conditions to the provision of Table IWB–2500–1, Item B5.71 (Steam Generator, NPS 4 or Larger Nozzle-to-Component Butt Welds) of the 2011 Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of § 50.55a.

The NRC edited this condition from the proposed rule for clarity. Section 50.55a(b)(2)(xlii) of this final rule reflects this change.

C. ASME OM Code

10 CFR 50.55a(b)(3) Conditions on ASME OM Code

The new Appendix IV in the 2017 Edition of the ASME OM Code provides improved preservice testing (PST) and IST of active pneumatic-operated valves (AOVs) within the scope of the ASME OM Code. Appendix IV specifies quarterly stroke-time testing of AOVs, where practicable. These are similar to the current requirements in Subsection

[4] The NRC notes that one condition, requiring the examination volume to include 100 percent of the weld, was not reflected in RG 1.147 Revision 18, that accompanied that rule. That condition was developed in response to a public comment as described in the **Federal Register** notice for the rule, but the associated regulatory guide was not revised as intended due to an administrative error. The NRC has corrected that error in RG 1.147 Revision 19.

ISTC, ''Inservice Testing of Valves in Light-Water Reactor Nuclear Power Plants,'' of the ASME OM Code. In addition, Appendix IV specifies a preservice performance assessment test for AOVs with low safety significance, and initial and periodic performance assessment testing for AOVs with high safety significance on a sampling basis over a maximum 10-year interval.

The ASME developed the improved PST and IST provisions for AOVs in Appendix IV to the ASME OM Code in response to lessons learned from operating experience and test programs for AOVs and other power-operated valves (POVs) used at nuclear power plants. Over the years, the NRC has issued numerous generic communications to address weaknesses with AOVs and other POVs in performing their safety functions. For example, the NRC issued Generic Letter (GL) 88–14, ''Instrument Air Supply System Problems Affecting Safety-Related Equipment,'' to request that licensees verify that AOVs will perform as expected in accordance with all design-basis events. The NRC provided the results of studies of POV issues in several documents, including NUREG/CR–6654, ''A Study of Air-Operated Valves in U.S. Nuclear Power Plants'' (ADAMS Accession No. ML003691872). The NRC has issued several information notices to alert licensees to IST experience related to POV performance, including IN 86–50, ''Inadequate Testing to Detect Failures of Safety-Related Pneumatic Components or Systems;'' and IN 85–84, ''Inadequate Inservice Testing of Main Steam Isolation Valves.'' The NRC issued IN 96–48, ''Motor-Operated Valve Performance Issues,'' which described lessons learned from motor-operated valve (MOV) programs that are applicable to other POVs. Based on operating experience with the capability of POVs to perform their safety functions, the NRC established Generic Safety Issue 158, ''Performance of Safety-Related Power-Operated Valves Under Design-Basis Conditions,'' to evaluate whether additional regulatory actions were necessary to address POV performance issues. In Regulatory Issue Summary 2000–03, ''Resolution of Generic Safety Issue (GSI) 158, 'Performance of Safety Related Power-Operated Valves Under Design-Basis Conditions','' dated March 15, 2000, the NRC closed GSI–158 by specifying attributes for an effective POV testing program that incorporates lessons learned from MOV research and testing programs. More recently, the NRC issued IN 2015–13, ''Main Steam Isolation Valve Failure Events,'' to alert nuclear power plant applicants and licensees to examples of operating experience where deficiencies in licensee processes and procedures can contribute to the failure of main steam isolation valves (MSIVs), which may be operated by air actuators or combined air/hydraulic actuators. The NRC considers that the improved IST provisions specified in Appendix IV to the ASME OM Code will address the POV performance issues identified by operating experience with AOVs, including MSIVs, at nuclear power plants.

Paragraph IV–3800, ''Risk-Informed AOV Inservice Testing,'' allows the establishment of risk-informed AOV IST that incorporates risk insights in conjunction with functional margin to establish AOV grouping, acceptance criteria, exercising requirements, and testing intervals. Risk-informed AOV IST includes initial and periodic performance assessment testing of high safety significant AOVs with the results of that testing used to confirm the capability of low-safety significant AOVs within the same AOV group. For example, paragraph IV–3600, ''Grouping of AOVs for Performance Assessment Testing,'' states that test results shall be evaluated for all AOVs in a group. Paragraph IV–6500, ''Performance Assessment Test Corrective Action,'' specifies that correction action be taken in accordance with the Owner's corrective action requirements if AOV performance is unacceptable. The NRC considers that these provisions in Appendix IV will provide assurance that all AOVs within the scope of Appendix IV will be assessed for their operational readiness initially and on a periodic basis. The NRC revised the last sentence of § 50.55a(b)(3) to specify that when implementing the ASME OM Code, conditions are applicable only as specified in (b)(3).

10 CFR 50.55a(b)(3)(ii) OM Condition: Motor-Operated Valve (MOV) Testing

The NRC is amending § 50.55a(b)(3)(ii) to specify that the condition applies to the latest edition and addenda of the ASME OM Code incorporated by reference in § 50.55a(a)(1)(iv). This allows future rulemakings to revise § 50.55a(a)(1)(iv) to incorporate the latest edition of the ASME OM Code without the need to revise § 50.55a(b)(3)(ii).

10 CFR 50.55a(b)(3)(iv) OM Condition: Check Valves (Appendix II)

The NRC is amending § 50.55a(b)(3)(iv) to accept the use of Appendix II, ''Check Valve Condition Monitoring Program,'' in the 2017 Edition of the ASME OM Code without conditions based on its updated provisions. For example, Appendix II in the 2017 Edition of the ASME OM Code incorporates Table II, ''Maximum Intervals for Use When Applying Interval Extensions,'' as well as other conditions currently specified in § 50.55a(b)(3)(iv). The NRC is also revising § 50.55a(b)(3)(iv) to apply Table II to Appendix II of the ASME OM Code, 2003 Addenda through the 2015 Edition. Further, the NRC is removing the outdated conditions in paragraphs (b)(3)(iv)(A) through (D) based on their application to older editions and addenda of the ASME OM Code that are no longer applied at nuclear power plants, and on the incorporation of those conditions in recent editions and addenda of the ASME OM Code.

10 CFR 50.55a(b)(3)(viii) OM Condition: Subsection ISTE

The NRC is amending § 50.55a(b)(3)(viii) to specify that the condition on the use of Subsection ISTE, ''Risk-Informed Inservice Testing of Components in Light-Water Reactor Nuclear Power Plants,'' applies to the latest edition and addenda of the ASME OM Code incorporated by reference in § 50.55a(a)(1)(iv). This allows future rulemakings to revise § 50.55a(a)(1)(iv) to incorporate the latest edition of the ASME OM Code without the need to revise § 50.55a(b)(3)(viii).

10 CFR 50.55a(b)(3)(ix) OM Condition: Subsection ISTF

The NRC is amending § 50.55a(b)(3)(ix) to specify that Subsection ISTF, ''Inservice Testing of Pumps in Water-Cooled Reactor Nuclear Power Plants—Post-2000 Plants,'' of the ASME OM Code, 2017 Edition, is acceptable without conditions. The NRC is also amending § 50.55a(b)(3)(ix) to specify that licensees applying Subsection ISTF in the 2015 Edition of the ASME OM Code shall satisfy the requirements of Mandatory Appendix V, ''Pump Periodic Verification Test Program,'' of the ASME OM Code, in addition to the current requirement to satisfy Appendix V when applying Subsection ISTF in the 2012 Edition of the ASME OM Code. Subsection ISTF in the 2017 Edition of the ASME OM Code has incorporated the provisions from Appendix V such that this condition is not necessary for the 2017 Edition of the ASME OM Code.

10 CFR 50.55a(b)(3)(xi) OM Condition: Valve Position Indication

The NRC is amending § 50.55a(b)(3)(xi) for the implementation

of paragraph ISTC–3700, ''Position Verification Testing,'' in the ASME OM Code to apply to the 2012 Edition through the latest edition and addenda of the ASME OM Code incorporated by reference in § 50.55a(a)(1)(iv). This allows future rulemakings to revise § 50.55a(a)(1)(iv) to incorporate the latest edition and addenda of the ASME OM Code without the need to revise § 50.55a(b)(3)(xi). In addition, the NRC is clarifying this condition to apply to all valves with remote position indicators within the scope of Subsection ISTC, ''Inservice Testing of Valves in Water-Cooled Reactor Nuclear Power Plants,'' including MOVs within the scope of Mandatory Appendix III, ''Preservice and Inservice Testing Active Electric Motor-Operated Valve Assemblies in Water-Cooled Reactor Nuclear Power Plants.'' ISTC–3700 references Mandatory Appendix III for valve position testing of MOVs. The development of Mandatory Appendix III was intended to verify valve position indication as part of the diagnostic testing (rather than exercising) performed at the intervals established by the appendix.

In response to public comments, the NRC is clarifying § 50.55a(b)(3)(xi) to refer to Subsection ISTC including its mandatory appendices and their verification methods and frequencies. This clarification will ensure that verification of valve position indication is understood to apply to all valves with remote position indication addressed in Subsection ISTC and all of its mandatory appendices. The NRC notes that licensees may request an NRC authorized alternative to this condition under 10 CFR 50.55a(z).

10 CFR 50.55a(f): Preservice and Inservice Testing Requirements

The NRC regulations in § 50.55a(f) specify that systems and components of boiling and pressurized water-cooled nuclear power reactors must meet the requirements for preservice and inservice testing of the ASME BPV Code and ASME OM Code. Paragraph (f) in § 50.55a states that the requirements for inservice inspection of Class 1, Class 2, Class 3, Class MC, and Class CC components (including their supports) are located in paragraph (g) in § 50.55a. Applicants and licensees should note that requirements for inservice examination and testing of dynamic restraints (snubbers) are located in paragraph (b)(3)(v) in § 50.55a. The NRC is considering this clarification of the location of inservice examination and testing requirements for dynamic restraints in § 50.55a(f) and (g) for a future rulemaking.

A stakeholder submitted a public comment recommending that the NRC add a statement that pressure relief devices requiring testing per § 50.55a(f)(4) shall be limited to valves and rupture disks installed in piping systems designed to the ASME BPV Codes or ASME B31 standards. The NRC agrees that the ASME OM Code applies to pumps, valves, and dynamic restraints (snubbers) in piping systems. For example, the ASME OM Code does not apply to blowout panels in structures. However, such a clarification was not included in the proposed rule, and the NRC does not see an immediate need to clarify the applicability of the ASME OM Code in this regard. The NRC understands that the ASME OM Code committee is preparing a clarification to the ASME OM Code to specify its application to piping systems. Therefore, the NRC will evaluate the need for clarification of ASME OM Code to piping systems in a future rulemaking.

10 CFR 50.55a(f)(4)(i): Applicable IST Code: Initial 120-Month Interval

Several stakeholders submitted public comments on the § 50.55a 2009–2013 proposed rule requesting that the time schedule for complying with the latest ASME Code edition and addenda in § 50.55a(f)(4)(i) and (g)(4)(i) for the IST and ISI programs, respectively, be relaxed from the current time interval of 12 months to a new time interval of 24 months prior to the applicable milestones in those paragraphs. The ASME reiterated this request during an NRC/ASME management public teleconference that was held on March 16, 2016. During that teleconference, ASME discussed the challenges associated with meeting the 12-month time schedule in order to submit timely relief or alternative requests for NRC review. These comments were outside the scope of the proposed § 50.55a ASME 2009–2013 rule. However, the NRC indicated that the request would be considered in a future rulemaking.

In evaluating the suggested change, the NRC determined that the primary benefit from the relaxation of this § 50.55a(f)(4)(i) requirement is that licensees of new nuclear power plants will have more time to prepare their initial IST program and procedures and any proposed relief or alternative requests to the applicable edition of the ASME OM Code. The NRC determined that relaxation of the time schedule for satisfying the latest edition of the ASME OM Code for the initial 120-month IST interval is appropriate. However, the NRC considered that a 24-month time schedule would be contrary to the intent of the requirement to apply the latest edition of the ASME OM Code that is published every 24 months because it could result in licensees applying an outdated edition in the initial 120-month IST interval. Therefore, the NRC is extending the time schedule to satisfy the latest edition and addenda of the ASME OM Code from the current 12 months to 18 months for the initial 120-month IST interval.

10 CFR 50.55a(f)(4)(ii): Applicable IST Code: Successive 120-Month Intervals

As discussed in the previous section, several stakeholders submitted public comments on the § 50.55a 2009–2013 proposed rule, requesting that the time schedule for complying with the latest ASME Code edition in § 50.55a(f)(4)(ii) and (g)(4)(ii) for the IST and ISI programs, respectively, be relaxed from the current time period of 12 months to a new time period of 24 months prior to the applicable milestones in those paragraphs. The ASME reiterated this request during an NRC/ASME management public teleconference that was held on March 16, 2016. During that teleconference, ASME discussed the challenges associated with meeting the 12-month time schedule in order to submit timely relief or alternative requests for NRC review. These comments were outside the scope of the proposed § 50.55a ASME 2009–2013 rule. However, the NRC staff indicated that the proposed change would be considered for a future rulemaking. The NRC determined that the primary benefit from the relaxation of this § 50.55a(f)(4)(ii) requirement is that licensees of nuclear power plants will have more time to update their successive IST programs and procedures, and to prepare any proposed relief or alternative requests to the applicable edition of the ASME OM Code. In addition, licensees of each nuclear power plant will not need to review ASME OM Code editions incorporated by reference in § 50.55a after the relaxed 18-month time period before the start of the IST program interval compared to the 12-month time period required by the current regulations. The NRC determined that relaxation of the time schedule for satisfying the latest edition of the ASME OM Code for the successive 120-month IST interval is appropriate. However, the NRC considered that a 24-month time schedule would be contrary to the intent of the requirement to apply the latest edition of the ASME OM Code that is published every 24 months. Therefore, the NRC is extending the time schedule to satisfy the latest edition and addenda of the ASME OM

Code from the current 12 months to 18 months for successive 120-month IST intervals.

10 CFR 50.55a(f)(7) Inservice Testing Reporting Requirements

The NRC proposed adding § 50.55a(f)(7) to require nuclear power plant applicants and licensees to submit their IST Plans and interim IST Plan updates related to pumps and valves, and IST Plans and interim Plan updates related to snubber examination and testing to NRC Headquarters.

The ASME OM Code states in paragraph (a) of ISTA–3200, ''Administrative Requirements,'' that IST Plans shall be filed with the regulatory authorities having jurisdiction at the plant site. The NRC needs these IST Plans for use in evaluating relief and alternative requests, and deferral of quarterly testing to cold shutdowns and refueling outages. However, the ASME is planning to remove this provision from the ASME OM Code in a future edition because this provision is more appropriate as a regulatory requirement rather than a Code requirement. This change was proposed rather than in a future rulemaking to ensure that there will not be a period of time when this requirement is not in effect. Therefore, the condition would be an administrative change that would relocate the provision from the ASME OM Code to § 50.55a. However, in response to public comments discussed below, the NRC removed § 50.55a(f)(7) in this final rule. The NRC will reconsider this condition if the requirement is removed from a future Edition of the ASME OM Code.

10 CFR 50.55a(g)(4)(i): Applicable ISI Code: Initial 120-Month Interval

The NRC is amending § 50.55a(g)(4)(i) to relax the time schedule for complying with the latest edition of the ASME BPV Code for the initial 120-month ISI program interval, respectively, from 12 months to 18 months. The basis for the relaxation of the time schedule discussed previously for the requirement in § 50.55a(f)(4)(i) to comply with the latest edition and addenda of ASME BPV Code, Section XI, for the initial 120-month ISI program is also applicable to the relaxation of the time period for complying with the latest edition and addenda of the ASME BPV Code for the initial 120-month ISI program.

10 CFR 50.55a(g)(4)(ii): Applicable ISI Code: Successive 120-Month Intervals

The NRC is amending § 50.55a(g)(4)(ii) to relax the time schedule for complying with the latest edition and addenda of the ASME BPV Code for the successive 120-month ISI program intervals, respectively, from 12 months to 18 months. The basis for the relaxation of the time schedule discussed above for the requirement in § 50.55a(f)(4)(ii) to comply with the latest edition and addenda of the ASME BPV Code, Section XI, for the successive 120-month ISI programs is also applicable to the relaxation of the time period for complying with the latest edition and addenda of the ASME BPV Code for the successive 120-month ISI programs. The NRC is amending the regulation in § 50.55a(g)(4)(ii) to provide up to an 18-month period for licensees to update their Appendix VIII program for those licensees whose ISI interval commences during the 12 through 18-month period after June 3, 2020.

10 CFR 50.55a(g)(6)(ii)(C): Augmented ISI Requirements: Implementation of Appendix VIII to Section XI

The NRC is removing the language found in § 50.55a(g)(6)(ii)(C) from the current regulations. This paragraph describes requirements for initial implementation of older supplements in ASME BPV Code, Section XI Appendix VIII. Because the implementation dates have passed, and because licensees are no longer using these older editions and addenda of the Code that are referenced in this paragraph, the NRC is removing the condition.

D. ASME Code Cases

ASME BPV Code Case N–729–6

On September 10, 2008, the NRC issued a final rule to update § 50.55a to incorporate by reference the 2004 Edition of the ASME BPV Code (73 FR 52730). As part of the final rule, § 50.55a(g)(6)(ii)(D) implemented an augmented inservice inspection program for the examination of RPV upper head penetration nozzles and associated partial penetration welds. The program required the implementation of ASME BPV Code Case N–729–1, with certain conditions.

The application of ASME BPV Code Case N–729–1 was necessary because the inspections required by the 2004 Edition of the ASME BPV Code, Section XI were not written to address degradation caused by primary water stress corrosion cracking (PWSCC) of the RPV upper head penetration nozzles and associated welds. The safety consequences of inadequate inspections of the subject nozzles can be significant. The NRC's determination that the ASME BPV Code-required inspections are inadequate is based upon operating experience and analysis, because nickel-based Alloy 600/82/182 materials in the RPV head penetration nozzles and associated welds are susceptible to PWSCC. The absence of an effective inspection regime could, over time, result in unacceptable circumferential cracking, or the degradation of the RPV upper head or other reactor coolant system components by leakage-assisted corrosion. These degradation mechanisms increase the probability of a loss-of-coolant accident.

Examination frequencies and methods for RPV upper head penetration nozzles and welds are provided in ASME BPV Code Case N–729–1. The use of code cases is voluntary, so these provisions were developed, in part, with the expectation that the NRC would incorporate the code case by reference into § 50.55a. Therefore, the NRC adopted rule language in § 50.55a(g)(6)(ii)(D), requiring implementation of ASME BPV Code Case N–729–1, with conditions, in order to enhance the examination requirements in the ASME BPV Code, Section XI for RPV upper head penetration nozzles and welds. The examinations conducted in accordance with ASME BPV Code Case N–729–1 were intended to provide reasonable assurance that ASME BPV Code allowable limits will not be exceeded and that PWSCC will not lead to failure of the RPV upper head penetration nozzles or welds. However, the NRC concluded that certain conditions were needed in implementing the examinations in ASME BPV Code Case N–729–1. These conditions are set forth in § 50.55a(g)(6)(ii)(D).

On March 3, 2016, the ASME approved the sixth revision of ASME BPV Code Case N–729 (N–729–6). This revision changed certain requirements based on a consensus review of the inspection techniques and frequencies. These changes were deemed necessary by the ASME to supersede the previous requirements under previous versions of N–729 to establish an effective long-term inspection program for the RPV upper head penetration nozzles and associated welds in PWRs. The major changes in the latest revisions are the inclusion of peening mitigation and extending the replaced head volumetric inspection frequency. Other minor changes were also made to address editorial issues and to clarify the code case requirements.

The NRC is updating the requirements of § 50.55a(g)(6)(ii)(D) to require licensees of PWRs to implement ASME BPV Code Case N–729–6, with certain conditions. The NRC conditions have been modified to address the changes in

ASME BPV Code Case N–729–6 from the latest NRC-approved ASME Code Case N–729 revision in § 50.55a(g)(6)(ii)(D), revision 4, (N–729–4). The NRC's revisions to the conditions on ASME BPV Code Case N–729–4 that support the implementation of N–729–6 are discussed in the next sections.

10 CFR 50.55a(g)(6)(ii)(D) Augmented ISI Requirements: Reactor Vessel Head Inspections

The NRC is revising the paragraphs in § 50.55a(g)(6)(ii)(D) as summarized in the following discussions, which identify the changes in requirements associated with the update from ASME BPV Code Case N–729–4 to N–729–6. The major changes in the code case revision allow peening as a mitigation method and extend the PWSCC-resistant RPV upper head inspection frequency from 10 years to 20 years. Additionally, the code case revision allowed the use of the similarities in sister plants to extend inspection intervals. The NRC is not able to fully endorse this item; therefore, the NRC is adding a new condition. The NRC has determined that one previous condition restricting the use of Appendix I of the code case could be relaxed. Further, the code case deadline for baseline examinations of February 10, 2008 is well in the past, therefore the NRC is adding a condition that ensures new plants can perform baseline examinations without the need for an alternative to these requirements under § 50.55a(z). Finally, the NRC is adding a condition that allows licensees to use a volumetric leak path assessment in lieu of a surface examination.

10 CFR 50.55a(g)(6)(ii)(D)(*1*) Implementation

The NRC is revising § 50.55a(g)(6)(ii)(D)(*1*) to change the version of ASME BPV Code Case N–729 from N–729–4 to N–729–6 for the reasons previously set forth. Due to the incorporation of N–729–6, the date to establish applicability for licensed PWRs will be changed to anytime within one year of June 3, 2020. The delay in implementing N–729–6 is provided to allow some flexibility for licensees to implement the requirements. No new inspections are required; therefore, this allows licensees to phase in the new program consistent with their needs and outage schedules. The NRC is also including wording to allow licensee's previous NRC-approved alternatives to remain valid regardless of the version of ASME BPV Code Case N–729–6 they were written against. The NRC has reviewed all currently applicable licensee alternatives to this code case and has found that the change from Code Case N–729–4 to N–729–6 required by this regulation neither invalidates nor degrades plant safety associated with the continued use of existing alternatives. Therefore, to provide regulatory efficiency, the NRC finds that all previous NRC-approved alternatives will remain valid for their specifically NRC-approved duration of applicability.

10 CFR 50.55a(g)(6)(ii)(D)(*2*) Appendix I Use

The NRC is revising § 50.55a(g)(6)(ii)(D)(*2*). The NRC has determined that the current condition, that the use of Appendix I is not permitted, is no longer necessary. However, the NRC is adding a new condition that the analyses required by the code case for missed coverage both above and below the J-groove weld include the analysis described in I–3000. The NRC's basis for revising the condition is that, based on its reviews of alternatives proposed by licensees related to this issue, over a period in excess of 10 years, it has become apparent to the NRC that the I–3000 method produces satisfactory results and is correctly performed by licensees. The NRC notes that the other options available in Appendix I have not been used by the NRC as a basis for relief during this period, including the probabilistic approach which has not been proposed by licensees and therefore does not have a history of being evaluated (including the acceptance criteria) by the NRC.

The NRC finds the change to the condition will have minimal impact on safety, while minimizing the regulatory burden of NRC review and approval of a standardized method to provide reasonable assurance of structural integrity of a reduced inspection area.

10 CFR 50.55a(g)(6)(ii)(D)(*4*) Surface Exam Acceptance Criteria

The NRC is revising § 50.55a(g)(6)(ii)(D), the current condition on surface examination acceptance criteria, to update the ASME BPV Code Case reference. The NRC is modifying the condition § 50.55a(g)(6)(ii)(D)(*4*) by changing the referenced version of the applicable ASME BPV Code Case N–729 from N–729–4 to N–729–6.

10 CFR 50.55a(g)(6)(ii)(D)(5) Peening

The NRC is adding a new condition that will allow licensees to obtain examination relief for peening of their RPV upper heads in accordance with the latest NRC-approved requirements, contained in Electric Power Research Institute (EPRI) Topical Report, ''Materials Reliability Program: Topical Report for Primary Water Stress Corrosion Cracking Mitigation by Surface Stress Improvement,'' (MRP–335, Revision 3–A) (ADAMS Accession No. ML16319A282). This document provides guidelines for the NRC-approved performance criteria, qualification requirements, inspection frequency, and scope. A licensee may peen any component in accordance with the requirements and limitations of the ASME Code. However, in order to obtain NRC-approved examination relief for an RPV head mitigated with peening, as described in MRP–335, Revision 3–A, this condition establishes MRP–335, Revision 3–A as the requirement for performance criteria, qualifications and inspections. Otherwise the requirements of an unmitigated RPV upper head inspection program shall apply.

As part of this condition, the NRC is removing two of the requirements contained in MRP–335, Revision 3–A: (1) The submission of a plant-specific alternative to the code case will not be required; and (2) Condition 5.4 will not be required.

Hence, the NRC's condition combines the use of the latest NRC-accepted performance criteria, qualification and inspection requirements in MRP–335, Revision 3–A, would allow licensees to not have to submit a plant-specific proposed alternative to adopt the inspection frequency of peened RPV head penetration nozzles in MRP–335, Revision 3–A, and does not require licensees to adhere to NRC Condition 5.4 of MRP–335, Revision 3–A. By combining these points in the condition, it alleviates the need to highlight nine areas in N–729–6 that do not conform to the current NRC-approved requirements for inspection relief provided in MRP–335, Revision 3–A.

Because the NRC references MRP–335, Revision 3–A, within this condition on the requirements in the ASME Code Case, the NRC is incorporating by reference MRP–335, Revision 3–A, into § 50.55a(a)(4)(i).

10 CFR 50.55a(g)(6)(ii)(D)(6) Baseline Examinations

The NRC is adding a new condition to address baseline examinations. Note 7(c) of Table 1 of ASME BPV Code Case N–729–6 requires baseline volumetric and surface examinations for plants with an RPV upper head with less than 8 effective degradation years (EDY) by no later than February 10, 2008. This requirement has been in place since ASME BPV Code Case N–729–1 was first required by this section, and it was a carryover requirement from the First

Revised NRC Order EA–03–009. However, since any new RPV upper head replacements would occur after 2008, this requirement can no longer be met. While it is not expected that a new head using A600 nozzles would be installed, the NRC is conditioning this section to prevent the need for a licensee to submit a proposed alternative for such an event, should it occur. The NRC condition requires a licensee to perform a baseline volumetric and surface examination within 2.25 reinspection years not to exceed 8 calendar years, as required under N–729–6, Table 1.

10 CFR 50.55a(g)(6)(ii)(D)(7) Sister Plants

The NRC is adding a new condition to address the use of the term sister plants for the examinations of RPV upper heads. The use of ''sister plants'' under ASME BPV Code Case N–729–6 would allow extension of the volumetric inspection of replaced RPV heads with resistant materials from the current 10-year inspection frequency to a period of up to 40 years.

As part of mandating the use of ASME BPV Code Case N–729–6 in this final rule, the NRC is approving the ASME Code's extension of the volumetric inspection frequency from every 10 years to every 20 years. The NRC finds that the documents, ''Technical Basis for Reexamination Interval Extension for Alloy 690 PWR Reactor Vessel Top Head Penetration Nozzles (MRP–375)'' and improvement factors ''Recommended Factors of Improvement for Evaluating Primary Water Stress Corrosion Cracking (PWSCC) Growth Rates of Thick-Wall Alloy 690 Materials and Alloy 52, 152, and Variants Welds (MRP–386),'' provide a sound basis for a 20-year volumetric inspection interval and a 5-year bare metal visual inspection interval for Alloy 690/52/152 materials subject to this code case thereby providing reasonable assurance of the structural integrity of the RPV heads.

However, in this final rule, the NRC is adding a condition to prohibit the concept of ''sister plants''. If used, this concept would increase the inspection interval for plants with sisters from 20 years to 40 years. The NRC is currently evaluating both the definition of sister plants and factors of improvement between the growth of PWSCC in Alloy 600/82/182 and Alloy 690/52/152.

It is unclear to the NRC whether the criteria for sister plants (*i.e.,* same owner) are appropriate criteria. The NRC also questions whether other criteria such as environment, alloy heat, and numbers of sister plants in a particular group should be included in the definition.

The NRC continues to review information on PWSCC growth rates and factors of improvement for Alloy 690/52/152 and Alloy 600/82/182 as proposed in MRP–386. While the NRC has concluded that crack growth in Alloy 690/52/152 is sufficiently slower than in Alloy 600/82/182 to support an inspection interval of 20 years, work continues in assessing whether the data and analyses support a 40-year interval.

Public comments concerning both the definition of sister plants and crack growth rate factors of improvement were solicited during the comment period for the proposed rule. The NRC did not receive any comments on these topics.

10 CFR 50.55a(g)(6)(ii)(D)(8) Volumetric Leak Path

The NRC is adding a new condition to substitute a volumetric leak path assessment for the required surface exam of the partial penetration weld of Paragraph -3200(b). The NRC finds that the use of a volumetric leak path assessment is more useful to confirm a possible leakage condition through the J-groove weld than a surface examination of the J-groove weld. While a surface examination may detect surface cracking, it will not confirm that such an indication is a flaw that caused leakage. A positive volumetric leak path assessment will provide a clear confirmation of leakage, either through the nozzle, weld or both. The NRC notes, that since all nozzles have had a volumetric examination, a baseline volumetric leak path assessment is available for comparison, and therefore provides additional assurance of effectiveness of the volumetric leak path assessment technique. As such, to eliminate the need for potential proposed alternatives requiring NRC review and authorization, this condition is being added to increase regulatory efficiency.

ASME BPV Code Case N–770–5

On June 21, 2011 (76 FR 36232), the NRC issued a final rule including § 50.55a(g)(6)(ii)(F), requiring the implementation of ASME BPV Code Case N–770–1, ''Alternative Examination Requirements and Acceptance Standards for Class 1 PWR Piping and Vessel Nozzle Butt Welds Fabricated with UNS N06082 or UNS N86182 Weld Filler Material With or Without Application of Listed Mitigation Activities,'' with certain conditions. On November 7, 2016, the ASME approved the fifth revision of ASME BPV Code Case N–770 (N–770–5). The major changes from N–770–2, the last revision to be mandated by § 50.55a(g)(6)(ii)(F), to N–770–5 included extending the inspection frequency for cold leg temperature dissimilar metal butt welds greater than 14-inches in diameter to once per inspection interval not to exceed 13 years, performance criteria and inspections for peening mitigated welds, and inservice inspection requirements for excavate and weld repair mitigations. Minor changes were also made to address editorial issues, to correct figures, or to add clarity. The NRC finds that the updates and improvements in N–770–5 are sufficient to update § 50.55a(g)(6)(ii)(F).

The NRC, therefore, is revising the requirements of § 50.55a(g)(6)(ii)(F) to require licensees to implement ASME BPV Code Case N–770–5, with conditions. The previous NRC conditions have been modified to address the changes in ASME BPV Code Case N–770–5 and to ensure that this regulatory framework will provide adequate protection of public health and safety. The following sections discuss each of the NRC's revisions to the conditions on ASME BPV Code Case N–770–2 that support the implementation of N–770–5.

10 CFR 50.55a(g)(6)(ii)(F)(1) Augmented ISI Requirements: Examination Requirements for Class 1 Piping and Nozzle Dissimilar-Metal Butt Welds—(1) Implementation

The NRC is revising this condition to mandate the use of ASME BPV Code Case N–770–5, as conditioned by this section, in lieu of the current requirement to mandate ASME BPV Code Case N–770–2. The wording of this condition allows a licensee to adopt this change anytime during one year of June 3, 2020. The delay in implementing N–770–5 is provided to allow some flexibility for licensees to implement the new requirements. Finally, included in this provision is an allowance for all previous NRC-approved licensee's alternatives to the requirements of this section to remain valid, regardless of the version of ASME BPV Code Case N–770 they were written against. The NRC has reviewed all currently applicable licensee alternatives to this code case and has found that the change from Code Case N–770–2 to N–770–5 required by this regulation neither invalidates nor degrades plant safety associated with the continued use of existing alternatives. Therefore, to provide regulatory efficiency, the NRC finds that all previous NRC-approved alternatives will remain valid for their specifically NRC-approved duration of applicability.

10 CFR 50.55a(g)(6)(ii)(F)(2) Categorization

The NRC is revising this condition to include the categorization of welds mitigated by peening. This condition currently addresses the categorization for inspection of unmitigated welds and welds mitigated by various processes.

The new section, to this revised condition, is to categorize dissimilar metal butt welds mitigated by peening. ''Topical Report for Primary Water Stress Corrosion Cracking Mitigation by Surface Stress Improvement,'' MRP–335, is the technical basis summary document for the application of peening in upper heads and dissimilar metal butt welds to address primary water stress corrosion cracking. The NRC conducted a comprehensive review of this document for generic application. The requirements contained in the NRC-approved version of this report, MRP–335, Revision 3–A differ in several respects from the requirements contained in ASME BPV Code Case N–770–5. As such, to avoid confusion with multiple conditions, the NRC is accepting categorization of welds as being mitigated by peening, if said peening follows the performance criteria, qualification requirements, and examination guidelines of MRP–335, Revision 3–A. Once implemented, the examination guidelines of MRP–335, Revision 3–A provide examination relief from the requirements of an unmitigated dissimilar metal butt weld. In addition, for the purposes of § 50.55a(g)(6)(ii)(E)(*1*), peening of a dissimilar metal butt weld is considered a stress improvement technique.

As part of this condition, the NRC is removing the need for the licensee to submit a plant-specific proposed alternative to implement the examination relief in accordance with MRP–335, Revision 3–A. Because MRP–335, Revision 3–A, is being used as a condition against the requirements in the ASME Code Case, the NRC is incorporating by reference MRP–335, Revision 3–A, into § 50.55a(a)(4)(i).

The requirements for categorization of all other mitigated or non-mitigated welds remain the same.

Except for the categorization of peening, this condition is technically the same as in the previous versions of this condition for mandated use of ASME BPV Code Cases N–770–2 and N–770–1.

10 CFR 50.55a(g)(6)(ii)(F)(3) Baseline Examinations

The NRC is deleting this condition. The current condition regarding baseline inspections is considered unnecessary, as all baseline volumetric examinations have been completed. If a baseline examination is required, the licensee can follow the examination requirements in ASME BPV Code Case N–770–5. This condition number is reserved, to maintain the NRC condition numbering from the past rulemaking, and in this way, limit the need for additional updates to current procedures and documentation, when no substantive change has occurred.

10 CFR 50.55a(g)(6)(ii)(F)(4) Examination Coverage

The NRC is revising this condition to make an editorial change to update the reference to ASME BPV Code Case N–770–2 to N–770–5.

10 CFR 50.55a(g)(6)(ii)(F)(6) Reporting Requirements

The NRC is revising this condition to address the deletion of wording in Paragraph -3132.3(d) of ASME BPV Code Case N–770–5 and relax the requirement for submitting the summary report to the NRC. The purpose of this condition is to obtain timely notification of unanticipated flaw growth in a mitigated butt weld in the reactor coolant pressure boundary. While NRC onsite and regional inspectors provide a plant-specific role in assessing the current safe operation of a specific plant, the staff in the Office of Nuclear Reactor Regulation is also responsible for assessing the generic impact of the potential reduced effectiveness of a mitigation technique across the fleet. In order to address these concerns, the NRC has found that, in the event that a dissimilar metal butt weld is degraded, it is necessary for the NRC to obtain timely notification of the flaw growth and a report summarizing the evaluation, along with inputs, methodologies, assumptions, and causes of the new flaw or flaw growth within 30 days of the plant's return to service. This is a relaxation from the previous requirement to provide a report prior to entering mode 4 prior to plant startup. In its review of the prior condition, the NRC has determined that the burden associated with the submission of a report prior to entry into mode 4 exceeded the immediate safety benefit from the report. The NRC also has determined that a timely notification regarding the event was sufficient to begin the determination of whether an immediate generic safety concern exists. Further, the NRC has found the submittal of a report within 30 days is both necessary and sufficient to allow for the evaluation of any long-term impacts of the flaw growth on the overall inspection programs for that specific mitigation type.

The NRC has determined that the deletion of the following sentence from Paragraph -3132.3(d), ''Any indication in the weld overlay material characterized as stress corrosion cracking is unacceptable,'' did not have a sufficiently identified technical basis to support its removal. Given that the NRC's approval of weld overlays is based on the resistance of the overlay material to cracking, any flaw growth into this material should call into question the effectiveness of that specific mitigation method. However, the NRC recognizes that there could be instances were NDE measurement uncertainty may require a conservative call on flaw size that may lead to the assumption of flaw growth. Rather than automatically assume this flaw growth is unacceptable, as stated in the previous requirement mandated under ASME BPV Code Case N–770–2, the NRC has found that reasonable assurance of plant safety could be assured by reporting this condition to the NRC for evaluation, in accordance with this condition. This relaxation of the previous requirement allows for regulatory flexibility in assessing the safety significance of any potential flaw growth.

10 CFR 50.55a(g)(6)(ii)(F)(*9*) *Deferral*

The NRC is revising this condition to address the potential deferrals of volumetric inspections for welds mitigated by peening as well as for welds mitigated by the excavate and weld repair technique. Volumetric inspections performed once per interval or on a ten-year basis can, in some instances, be deferred to the end of the current ten-year inservice inspection interval. As such, this could allow an inspection frequency, which is assumed to be approximately 10 years to be extended to as much as 20 years. While there are certain conditions that would warrant such an extension, the NRC finds, in the following two instances, that allowing such deferrals would provide an unacceptable reduction in the margin for safety.

For welds peened in accordance with the performance and qualification criteria of MRP–335, Revision 3–A, the long-term inservice inspection interval, as required by MRP–335, Revision 3–A Table 4–1, is once per inspection interval. Note 11 of Table 4–1 would allow deferral of peened welds beyond the 10-year inspection frequency. This deferral would be beyond the NRC technical basis of Paragraph 4.6.3 in the NRC Safety Evaluation of MRP–335, Revision 3–A. Therefore, the NRC is

revising this condition to prohibit the deferral of examinations of peened welds, without the submission of a plant-specific proposed alternative for NRC review and approval.

For welds mitigated with the excavate and weld repair technique, specifically inspection items M–2, N–1 and N–2, Note 11 of Table 1 of ASME BPV Code Case N–770–5 would allow the deferral of the second inservice examination to the end of the 10-year inservice inspection interval. The NRC finds the deferral of the second inservice exam unacceptable. If a weld was mitigated near the end of a 10-year inservice inspection interval, the first post mitigation examination might occur at the beginning of the next 10-year inservice inspection interval. Since the welds are required to be examined once per interval, the second post mitigation exam would be in the next interval. Because Note 11 allows the exams to be deferred, in such cases, it could approach twenty years between the first and second post mitigation exams. The NRC finds that a requirement to perform a second post mitigation exam within 10 years of the initial post mitigation exam to be more consistent with the reinspection timeline for other mitigations, such as full structural weld overlay and is therefore acceptable to the NRC. However, the NRC finds that, after the initial and second post mitigation examinations, provided the examination volumes show no indications of crack growth or new cracking, allowance for deferral of examination of these welds, as deemed appropriate, by the plant owner is acceptable. As such, this condition only restricts the deferral of the second inservice examination.

Given the two new issues identified above, the NRC is revising § 50.55a(g)(6)(ii)(F)(*9*) *Deferral* to prohibit the deferral of volumetric inspections of welds mitigated by peening under MRP–335, Revision 3–A and the first 10-year inservice inspection examination for welds mitigated by the excavate and weld repair technique, inspection items M–2, N–1 and N–2 only.

10 CFR 50.55a(g)(6)(ii)(F)(10) Examination Technique

The NRC is revising this condition to make an editorial change to update the reference to ASME BPV Code Case N–770–2 to N–770–5.

10 CFR 50.55a(g)(6)(ii)(F)(11) Cast Stainless Steel

The NRC is deleting this condition. The NRC recognized that the current condition in § 50.55a was challenging to address within the current timeline. In the proposed rule, the NRC proposed an option for licensees to implement ASME Code Case N–824, a code case approved by ASME and incorporated into the 2013 Edition of the ASME Code, to perform the inspections through the cast stainless steel material. However, in response to a public comment on the proposed condition, and from information presented at NRC public meetings in January 2019, the NRC recognized that there is a limited number of welds that could achieve significant additional coverage from the proposed rule change. The NRC agrees that there would be limited improvement in safety and roughly the same number of proposed alternatives would be required. Therefore, there would be no improvement to regulatory efficiency. The NRC can continue to address the issue through a limited number of proposed alternatives until a new generic inspection qualification program can be effectively implemented. Accordingly, this final rule deletes this provision and reserves the section number to limit the need for additional updates to current procedures and documentation.

10 CFR 50.55a(g)(6)(ii)(F)(*13*) Encoded Ultrasonic Examination

The NRC is revising this condition, which requires the encoded examination of unmitigated and mitigated cracked butt welds under the scope of ASME BPV Code Case N–770–2. The revision is being expanded to address changes in ASME BPV Code Case N–770–5 to include inspection categories B–1, B–2 for cold leg welds, which were previously under the single inspection category B, and the new inspection categories N–1, N–2 and O for cracked welds mitigated with the excavate and weld repair technique. The inclusion of these weld categories is in line with the previous basis for this condition.

Further, the NRC is relaxing the requirement for 100 percent of the required inspection volume to be examined with encoded techniques. The new requirement would allow essentially 100 percent of the required inspection volume to be examined with encoded techniques under the definition of essentially 100 percent in ASME BPV Code Case N–460. This code case allows the reduction to 90 percent coverage only if a physical limitation or impediment to full coverage is encountered during the inspection. The NRC finds this relaxation appropriate, given the potential that the physical size of the encoding equipment may reduce attainable coverage, when compared to manual techniques. The NRC finds that the reduction in safety associated with this potential minor decrease in coverage is minimal. Adoption of the revised condition will reduce unnecessary preparation and submittal of requests for NRC review and approval of alternatives to this requirement.

The NRC edited this condition from the proposed rule for clarity. Section 50.55a(g)(6)(ii)(F)(*13*) of this final rule reflects this change.

10 CFR 50.55a(g)(6)(ii)(F)(14) Excavate and Weld Repair Cold Leg

The NRC is adding a new condition to address the initial inspection of cold leg operating temperature welds after being mitigated by the excavate and weld repair technique. The excavate and weld repair technique is a new mitigation category introduced in ASME BPV Code Case N–770–5. The first inspection requirement for inspection item M–2, N–1 and N–2 welds, after being mitigated, is during the 1st or 2nd refueling outages after mitigation. The NRC finds that the ASME BPV Code Case N–770–5 language does not provide separate inspection programs between the cold leg and the hot leg temperature for the first volumetric inspection. The NRC determines that, at hot leg temperatures, one fuel cycle is sufficient for a preexisting, nondetectable, crack to grow to detectable size (10 percent through wall). However, at cold leg temperatures, crack growth is sufficiently slow that preexisting, undetected, cracks are unlikely to reach detectable size in a single fuel cycle. Therefore, in order to ensure the effectiveness of the initial volumetric examination to verify no unanticipated flaw growth in the mitigated weld prior to extending the inspection frequency to 10 years or beyond, the NRC is adding a condition to require the first examination to be performed during the second refueling outage following the mitigation of cold leg operating temperature welds.

10 CFR 50.55a(g)(6)(ii)(F)(15) Cracked Excavate and Weld Repair

The NRC is adding a new condition to address the long-term inspection frequency of cracked welds mitigated by the excavate and weld repair technique, *i.e.* inspection category N–1. The long-term volumetric inspection frequency for the cracked N–1 welds under ASME BPV Code Case N–770–5 is a 25 percent sample each 10-year inspection interval. In comparison, the NRC notes that the long-term volumetric inspection frequency of a non-cracked weld mitigated with the excavate and weld

repair technique without stress improvement (inspection category M–2) is 100 percent each 10-year inspection interval. Due to not attaining surface stress improvement, M–2 welds could potentially have cracking initiate at any time over the remaining life of the repair. Therefore, a volumetric inspection frequency of once per 10-year inspection frequency is warranted to verify weld structural integrity. However, every N–1 categorized weld already has a preexisting crack, but Code Case N–770–5 would allow a 25 percent sample inspection frequency each 10-year inservice inspection interval. This could allow some N–1 welds with preexisting flaws to not be volumetrically inspected for the remainder of plant life. The NRC finds insufficient technical basis to support the difference in inspection frequency between N–1 and M–2 welds. Therefore, the NRC is adding a condition on N–1 inspection category welds that requires the same long-term inspection frequency, as that determined acceptable by the ASME BPV Code Case N–770–5 for M–2 welds, *i.e.,* non-cracked 360 degree excavate and weld repair with no stress improvement credited.

10 CFR 50.55a(g)(6)(ii)(F)(16) Partial Arc Excavate and Weld Repair

The NRC is adding a new condition to prevent the use of the inspection criteria for partial arc excavate and weld repair technique contained in ASME BPV Code Case N–770–5. The NRC staff notes that ASME BPV Code Case N–847 which describes the process of installing an excavate and weld repair has not been included in RG 1.147 and has not been incorporated by reference into § 50.55a. As a result, licensees must propose an alternative to the ASME Code to make a repair using the excavate and weld repair technique. This prevention of the use of the inspection criteria contained in ASME BPV Code Case N–770–5, causes no additional burden on the licensee due to the requirement to propose an alternative to the ASME BPV Code to use the excavate and weld repair technique. The NRC's basis for this condition is that initial research into stress fields and crack growth associated with the ends of the repair indicated that the potential for crack growth rates to exceed those expected in the absence of the repair. The NRC also notes that there is potential for confusion regarding the inspection interval for these welds associated with whether Note 5 can be applied.

III. Public Outreach

The NRC held a public meeting on July 30, 2018, to discuss several planned provisions that would be included in the upcoming publication of the proposed rule and to answer questions. The public meeting summary is available in ADAMS under Accession No. ML18219B862.

The proposed rule was published on November 9, 2018, for a 75-day comment period (83 FR 56156). The public comment period closed on January 23, 2019.

IV. NRC Responses to Public Comments

The NRC received 14 letters and emails in response to the opportunity for public comment on the proposed rule. These comment submissions were submitted by the following commenters (listed in order of receipt):

1. Private citizen, Jarno Makkonen
2. Private citizen, Ron Clow
3. Private citizen, J. E. O'Sullivan
4. Electric Power Research Institute (EPRI)
5. Private citizen, Glen Palmer
6. ASME
7. Private citizen, Richard Deopere
8. Private citizen, Edward Cavey
9. Private citizen, Adam Keyser
10. NuScale Power, LLC
11. Southern Nuclear Operating Company
12. Nuclear Energy Institute
13. Private Citizen, Mark Gowin
14. Exelon Generation Company, LLC

In general, the comments:

- Suggested revising or rewording conditions to make them clearer.
- Opposed proposed conditions.
- Supplied additional information for NRC consideration.
- Supported incorporation of Code Cases N–729–6 and N–770–5 into § 50.55a.
- Asked questions or requested information from the NRC.
- Supported the proposed changes to add or remove conditions.
- Proposed rewriting or renumbering of paragraphs.
- Proposed removal of conditions related to older editions and addenda

Due to the large number of comments received and the length of the NRC's response, a summary of the NRC's response to comments in areas of particular interest to stakeholders is included in this final rule. Special attention has been made to discuss comments that prompted the NRC to make more than editorial changes in this final rule from what the NRC had proposed. A discussion of all comments and complete NRC responses are presented in a separate document, ''Final Rule (10 CFR 50.55a) American Society of Mechanical Engineers Codes and Code Cases: Analysis of Public Comments,'' (ADAMS Accession No. ML19095B549).

ASME BPV Code, Section III

10 CFR 50.55a(b)(1)(v) Section III Condition: Independence of Inspection

A commenter was concerned that the wording in the proposed condition would prohibit the use of NCA–4134.10(a) in its entirety, and the condition should be clarified to apply only to the exception to paragraph 3.1 of Supplement 10S–1 of NQA–1–1994 Edition. The NRC agreed with the commenter's proposed revision to clarify the rule language. The intent of the rule modification is to limit the condition so that it applies only to the 1995 Edition through the 2009b Addenda of the 2007 Edition. In response to this comment, the NRC revised § 50.55a(b)(1)(v) to state, ''Applicants or licensees may not apply the exception in NCA–4134.10(a) of Section III, 1995 Edition through 2009b Addenda of the 2007 Edition, from paragraph 3.1 of Supplement 10S–1 of NQA–1–1994 Edition.''

10 CFR 50.55a(b)(1)(x)(B) Visual Examination of Bolts, Studs, and Nuts: Second Provision

Commenters were concerned with rationale given for the inclusion of this condition in the proposed rule. Commenters asserted that the 2017 Edition paragraph NX–2582, in referencing ASTM F788 and ASTM F812 as acceptance criteria, only considers workmanship, finish, and appearance and does not consider structural integrity. The NRC agreed with the comment that the acceptance criteria for the condition should be clarified. Therefore, the NRC revised the condition in this final rule to require visual examination for discontinuities including cracks, bursts, seams, folds, thread lap, voids and tool marks. Section 50.55a(b)(1)(x)(B) of this final rule reflects this change.

10 CFR 50.55a(b)(1)(xi)(A) Mandatory Appendix XXVI: First Provision

Commenters were concerned that the requirement in the proposed condition for each fusing operator to perform qualification testing on each diameter, thickness and lot of material would entail significant added expense and hardship without a commensurate improvement in quality or safety. The NRC agreed with the comment and deleted the proposed requirement for operator performance qualification testing for butt fusion joints. Section 50.55a(b)(1)(xi)(A) of this final rule reflects this change.

10 CFR 50.55a(b)(1)(xi)(B) Mandatory Appendix XXVI: Second Provision

Commenters were concerned that the requirement in the proposed condition for performance of both the bend test and the high speed tensile impact test to qualify fusing procedures and fusing operators for HDPE butt fusion joints, imposes additional hardship and increased cost without commensurate improvement in quality or safety. The NRC agreed with the comment and its supporting rationale. The NRC revised the condition to allow either test to qualify fusing procedures. Section 50.55a(b)(1)(xi)(B) of this final rule reflects this change.

10 CFR 50.55a(b)(1)(xi)(C) Mandatory Appendix XXVI: Third Provision

Commenters were concerned that the requirement in the proposed condition for each fusing operator to perform qualification testing is redundant. Fusing operator performance qualification testing is performed in accordance with XXVI–4341 and XXVI–4342 using fusing procedures tested in accordance with XXVI–2300. Such fusing procedures define the electrofusion fitting material, pipe wall thickness, power supply and processor, to be used in production of each joint, so the fusing operator is already required to qualify using the same material and equipment. The NRC agreed with the comment and deleted the proposed requirement for operator performance qualification testing for electrofusion joints from this final rule. Section 50.55a(b)(1)(xi)(C) of this final rule reflects this change.

10 CFR 50.55a(b)(1)(xi)(D) Mandatory Appendix XXVI: Fourth Provision

Commenters were concerned that the proposed condition, that would have required performance of both the crush test and the electrofusion bend test to qualify fusing procedures for HDPE electrofusion joints, is impractical, imposes additional hardship, and increases cost without commensurate improvement in quality or safety. The NRC agreed with the comment and its supporting rationale. The NRC deleted the proposed condition from this final rule.

10 CFR 50.55a(b)(1)(xi)(E) Mandatory Appendix XXVI: Fifth Provision

Commenters were concerned that the proposed condition, that would have prohibited the use of electrofusion saddle joints and electrofusion saddle fittings, would lead to significant hardship without any improvement in quality or safety. The NRC agreed with the comment and its supporting rationale. The NRC deleted the proposed condition from this final rule.

10 CFR 50.55a(b)(1)(xii) Section III Condition: Certifying Engineer

A commenter was concerned that the wording in the proposed condition was not clear. The NRC agreed with the commenter's proposed revision to clarify the rule language. The intent of the condition is to permit licensees and applicants to use a Certifying Engineer that is also a Registered Professional Engineer within one state of the United States. The revised rule language provides clarification to the NRC's intent of permitting licensees and applicants to use only a Certified Engineer that is also a Registered Professional Engineer. Section 50.55a(b)(1)(xii) of this final rule reflects this change.

ASME BPV Code, Section XI

10 CFR 50.55a(b)(2)(xxv) Mitigation of Defects by Modification

A commenter was concerned that, for modifications installed in inaccessible locations, the proposed condition leads to significant hardship without any improvement in quality or safety. The condition would require the Owner to perform follow-up examinations every refueling outage for modifications installed in inaccessible locations. The commenter recommends, as an alternative, that the condition be revised to validate corrosion rates at accessible degraded locations in the same piping system. The NRC agreed with the commenter's recommendation that the condition be revised. The NRC revised the condition to add two exceptions for buried piping: § 50.55a(b)(2)(xxv)(B)(*3*)(*i*), to address internal corrosion, and § 50.55a(b)(2)(xxv)(B)(*3*)(*ii*), to address external corrosion. Section 50.55a(b)(2)(xxv)(B) of this final rule reflects this change.

10 CFR 50.55a(b)(2)(xxvi) Pressure Testing Class 1, 2 and 3 Mechanical Joints

Commenters asserted that the proposed condition is unnecessary because the current practice of leakage testing and Quality Assurance (QA) program activities are adequate and the condition should not apply to installed items rotated from stock. The NRC partially agrees and partially disagrees with these comments. The NRC agreed that the condition should not apply to items rotated from stock. Since these items have previously been in service, these activities are essentially the same as maintenance where no pressure retaining components have been replaced. The NRC has previously stated that maintenance activities where no pressure retaining components are replaced are not subject to this condition. To address this comment and the comment regarding the specificity of what requires system leakage testing, the NRC revised the condition to state that the condition applies to those repair/replacement activities that require documentation on a Form NIS–2. Section 50.55a(b)(2)(xxvi) of this final rule reflects this change.

10 CFR 50.55a(g)(4) Inservice Inspection Standards Requirement for Operating Plants

A commenter was concerned that § 50.55a(g)(4)(i) and § 50.55a(g)(4)(ii) require use of Appendix I from same edition and addenda as Appendix VIII. The commenter asserted that this is an issue because Appendix I references other parts of the Code. The commenter recommend that the NRC revise these conditions to say licensees are only required to implement the parts of Appendix I that are applicable to Appendix VIII. The NRC agreed with the comment. The NRC revised the last sentence of § 50.55a(g)(4)(i) and (ii) in this final rule to specify that licensees using this option must also use the same edition and addenda of Appendix I, Subarticle I–3200, as Appendix VIII. Section 50.55a(g)(4) of this final rule reflects this change.

10 CFR 50.55a(g)(6)(ii)(F)(11) Cast Stainless Steel

A commenter was concerned that the proposed condition requires a significant expenditure of time and dose with no significant increase to safety. The proposed condition would require a second examination technique for all 92 welds even though two-thirds achieve 100 percent coverage. The NRC agrees with this comment. The NRC agrees that there would be limited improvement in safety and roughly the same number of proposed alternatives would be required. Therefore, there would be no improvement to regulatory efficiency. Accordingly, the NRC deleted the provision from this final rule. Section 50.55a(g)(6)(F)(11) of this final rule reflects this change.

ASME OM Code

10 CFR 50.55a(b)(3)(xi) OM Condition: Valve Position Indication

Commenters requested clarification of the condition. Commenters were unclear regarding the condition requirements related to the MOV supplemental position verification test

interval. Another commenter suggested that the condition be modified to allow other NRC-approved test methods, such as a 10 CFR part 50, Appendix J leakage testing program, to verify obturator position. The NRC agreed with the comments that clarification would improve the condition. The NRC also clarified the condition to include a reference to the verification methods and frequencies of the mandatory appendices by specifying the phrase ''within the scope of Subsection ISTC including its mandatory appendices and their verification methods and frequencies.'' Section 50.55a(b)(3)(xi) of this final rule reflects this change. The NRC notes that licensees may request an NRC authorized alternative to this condition under 10 CFR 50.55a(z).

10 CFR 50.55a(b)(3)(xii) OM Condition: Air-Operated Valves (Appendix IV)

Commenters were concerned that the proposed condition requiring the application of Appendix IV for AOV IST activities in the 2017 Edition of the ASME OM Code when implementing the 2015 Edition of ASME OM Code, was unnecessary and might cause confusion. After consideration of the public comments, the NRC agreed that incorporating by reference both the 2015 and 2017 Editions of the ASME OM Code in § 50.55a in the same rulemaking will result in licensees applying the OM Code, 2017 Edition, as incorporated by reference in § 50.55a, when establishing their initial or subsequent 120-month IST program. In response to the comments, the NRC did not include the proposed condition in this final rule.

10 CFR 50.55a(f)(7) Inservice Testing Reporting Requirements

Commenters recommended that the condition be revised to avoid excessive submittals of IST Program Test and Examination Plans (IST Plans). Commenters also requested clarification on requirements for submittal of augmented IST Plans. The NRC partially agrees and partially disagrees with these comments. For example, the intent of the proposed requirement in § 50.55a(f)(7) was to allow the NRC to be aware of the current IST Plan for ASME Class 1, 2, and 3 pumps, valves, and dynamic restraints being implemented at each nuclear power plant such that immediate NRC review is possible in response to urgent requests by a licensee for relief from or alternatives to the § 50.55a requirements. At this time, the NRC does not consider requirements for submittal of the IST Plans for augmented IST programs, or deadlines for interim IST Plan updates, to be necessary in § 50.55a. The NRC may revisit the IST Plan submittal requirements (including the submittal of augmented IST Plans or the schedule of interim IST Plan updates) during a future rulemaking. The NRC notes that the submittal of IST Plans is needed to support the NRC's review of relief and alternative requests rather than review of IST plans themselves. Further, the NRC does not consider submittal requirements of IST Plans to need separate tracking. The IST Plan prepared at the beginning of a 120-month IST program interval will not be sufficient for all testing issues that might arise over a 10-year period.

As a result of these comments, the NRC removed the condition from the final rule. The NRC will reconsider this condition if the reporting requirement is removed from a future Edition of the ASME OM Code.

V. Section-by-Section Analysis

Paragraph (a)(1)(i)

This final rule revises paragraph (a)(1)(i) by removing the abbreviation definition for ASME BPV Code in the first sentence.

Paragraph (a)(1)(i)(E)

This final rule adds new paragraphs (a)(1)(i)(E)(*18*) and (*19*) to include the 2015 and 2017 Editions of the ASME BPV Code.

Paragraph (a)(1)(ii)

This final rule revises paragraphs (a)(1)(ii) to remove the acronym ''BPV'' and replace it with ''Boiler and Pressure Vessel.''

Paragraph (a)(1)(ii)(C)

This final rule revises paragraphs (a)(1)(ii)(C)(52) and (53) to remove parenthetical language and is adding new paragraphs (a)(1)(ii)(C)(54) and (55) to include the 2015 and 2017 Editions of the ASME BPV Code.

Paragraph (a)(1)(iii)(C)

This final rule revises the reference from Code Case N–729–4 to N–729–6.

Paragraph (a)(1)(iii)(D)

This final rule revises the reference from Code Case N–770–2 to N–770–5.

Paragraph (a)(1)(iv)

This final rule removes parenthetical language.

Paragraph (a)(1)(iv)(C)

This final rule adds new paragraphs (a)(1)(iv)(C)(2) and (3) to include the 2015 and 2017 Editions of the ASME OM Code.

Paragraph (a)(4)

This final rule adds new paragraph (a)(4) to incorporate by reference the Electric Power Research Institute, Materials Reliability Program, 3420 Hillview Avenue, Palo Alto, CA 94304–1338; telephone: 1–650–855–2000; *http://www.epri.com.*

Paragraph (a)(4)(i)

This final rule adds new paragraph (a)(4)(i) to incorporate by reference the ''Materials Reliability Program: Topical Report for Primary Water Stress Corrosion Cracking Mitigation by Surface Stress Improvement'' (MRP–335, Revision 3–A), EPRI approval date: November 2016. Paragraph (a)(4)(ii) is added and reserved.

Paragraph (b)(1)

This final rule changes the reference from the 2013 to the 2017 Edition of the ASME BPV Code.

Paragraph (b)(1)(ii)

This final rule changes the word ''Note'' to ''Footnote'' in Table 1 of paragraph (b)(1)(ii) and revises the last reference in the table from the 2013 Edition to the 2017 Edition of the ASME BPV Code.

Paragraph (b)(1)(iii)

This final rule changes the references from the 2008 Addenda to the 2017 Edition of the ASME BPV Code.

Paragraph (b)(1)(v)

This final rule revises paragraph (b)(1)(v) to limit the condition so that it applies to the exception to paragraph 3.1 of Supplement 10S–1 of NQA–1–1994 Edition as referenced in NCA–4134.10(a), Section III, of the 1995 Edition through 2009b Addenda of the 2007 Edition.

Paragraph (b)(1)(vi)

This final rule revises paragraph (b)(1)(vi) to replace ''the latest edition and addenda'' with ''all editions and addenda up to and including the 2013 Edition.''

Paragraph (b)(1)(vii)

This final rule revises paragraph (b)(1)(vii) to replace ''the 2013 Edition'' with ''all editions and addenda up to and including the 2017 Edition.''

Paragraph (b)(1)(x)

This final rule adds new paragraph (b)(1)(x) and its subparagraphs (A) and (B) to include two conditions necessary to maintain adequate standards for visual examinations of bolts, studs, and nuts.

Paragraph (b)(1)(xi)

This final rule adds new paragraph (b)(1)(xi) and its subparagraphs (A) through (C) to include three conditions that are necessary to install safety-related Class 3 HDPE pressure piping in accordance with ASME BPV Code, Section III, Mandatory Appendix XXVI. The first two conditions apply to the 2015 and 2017 Editions of Section III. The third condition applies only to the 2017 Edition of Section III.

Paragraph (b)(1)(xii)

This final rule adds new paragraph (b)(1)(xii) which applies to the use of certifying engineers.

Paragraph (b)(2)

This final rule revises paragraph (b)(2) to change the reference from the 2013 Edition to the 2017 Edition of the ASME BPV Code.

Paragraph (b)(2)(vi)

This final rule removes and reserves paragraph (b)(2)(vi).

Paragraph (b)(2)(vii)

This final rule removes and reserves paragraph (b)(2)(vii).

Paragraph (b)(2)(ix)

This final rule revises paragraph (b)(2)(ix) to add references to new paragraph (b)(2)(ix)(K) of this section, where applicable. It also replaces ''the latest edition and addenda'' with ''the 2015 Edition.''

Paragraph (b)(2)(ix)(K)

This final rule adds new paragraph (b)(2)(ix)(K) to require visual examination of the moisture barrier materials installed in containment leak chase channel system closures at concrete floor interfaces. This condition is applicable to all editions and addenda of Section XI, Subsection IWE, of the ASME BPV Code, prior to the 2017 Edition, that are incorporated by reference in paragraph (b) of this section.

Paragraph (b)(2)(xvii)

This final rule removes and reserves paragraph (b)(2)(xvii).

Paragraph (b)(2)(xviii)(D)

This final rule revises paragraph (b)(2)(xviii)(D) to extend the applicability to users of the latest edition incorporated by reference in paragraph (a)(1)(ii) of this section.

Paragraph (b)(2)(xx)(B)

This final rule revises paragraph (b)(2)(xx)(B) to clarify the NRC's expectations for system leakage tests performed in lieu of a hydrostatic pressure test, following repair/replacement activities performed by welding or brazing on a pressure retaining boundary using the 2003 Addenda through the latest edition and addenda of ASME BPV Code, Section XI incorporated by reference in paragraph (a)(1)(ii) of this section.

Paragraph (b)(2)(xx)(C)

This final rule adds new paragraph (b)(2)(xx)(C) and subparagraphs (1) and (2) to include two conditions on the use of the alternative BWR Class 1 system leakage test described in IWA–5213(b)(2), IWB–5210(c) and IWB–5221(d) of the 2017 Edition of ASME BPV Code, Section XI.

Paragraph (b)(2)(xxi)(A)

This final rule removes and reserves paragraph (b)(2)(xxi)(A).

Paragraph (b)(2)(xxi)(B)

This final rule adds new paragraph (b)(2)(xxi)(B) and its subparagraphs (1) through (3) that include conditions on the use of the provisions of IWB–2500(f) and (g) and Notes 6 and 7 of Table IWB–2500–1 of the 2017 Edition of ASME BPV Code, Section XI.

Paragraph (b)(2)(xxv)

This final rule revises paragraph (b)(2)(xxv) introductory text and adds new subparagraphs (A) and (B) that prohibit the use of IWA–4340 in Section XI editions and addenda earlier than the 2011 Edition and allows the use of IWA–4340 in addenda and editions from the 2011 Addenda through the latest edition incorporated by reference in this section under certain conditions.

Paragraph (b)(2)(xxvi)

This final rule revises paragraph (b)(2)(xxvi) to clarify the NRC's expectations for pressure testing of ASME BPV Code Class 1, 2, and 3 mechanical joints disassembled and reassembled during the performance of an ASME BPV Code, Section XI activity.

Paragraph (b)(2)(xxxii)

This final rule revises the reporting requirements in paragraph (b)(2)(xxxii).

Paragraph (b)(2)(xxxiv)

This final rule revises paragraph (b)(2)(xxxiv) and its subparagraph (B) to extend the applicability from the 2013 Edition through the latest edition incorporated by reference in paragraph (a)(1)(ii) of this section.

Paragraph (b)(2)(xxxv)

This final rule revises paragraph (b)(2)(xxxv) to designate the introductory text of paragraph (b)(2)(xxxv) minus the paragraph heading as subparagraph (A) and also adds new subparagraph (B).

Paragraph (b)(2)(xxxvi)

This final rule revises the condition in paragraph (b)(2)(xxxvi) to include the use of the 2015 and 2017 Editions of ASME BPV Code, Section XI.

Paragraph (b)(2)(xxxviii)

This final rule adds new paragraph (b)(2)(xxxviii) and its subparagraphs (A) and (B) that contain two conditions on the use of ASME BPV Code, Section XI, Appendix III, Supplement 2.

Paragraph (b)(2)(xxxix)

This final rule adds new paragraph (b)(2)(xxxix) and its subparagraphs (A) and (B) that contain conditions on the use of IWA–4421(c)(1) and IWA–4421(c)(2) of Section XI, in the 2017 Edition.

Paragraph (b)(2)(xl)

This final rule adds new paragraph (b)(2)(xl) to include the requirements for the prohibitions on the use of IWB–3510.4(b).

Paragraph (b)(2)(xli)

This final rule adds new paragraph (b)(2)(xli) to include the requirements for the prohibitions on the use of IWB–3112(a)(3) and IWC–3112(a).

Paragraph (b)(2)(xlii)

This final rule adds new paragraph (b)(2)(xlii) to include the requirements for the use of the provisions in Table IWB–2500–1, Examination Category B–F, Pressure Retaining Dissimilar Metal Welds in Vessel Nozzles, Item B5.11 and Item B5.71.

Paragraph (b)(3)

This final rule revises paragraph (b)(3) to include Appendix IV in the list of Mandatory Appendices, remove the reference to the ''2012 Edition'' and replaces it with ''the latest edition and addenda of the ASME OM Code incorporated by reference.'' It also revises the last sentence in the paragraph for clarity.

Paragraph (b)(3)(ii)

This final rule revises paragraph (b)(3)(ii) to remove the reference to the ''2011 Addenda, and 2012 Edition'' and replace it with ''the latest edition and addenda of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section.''

Paragraph (b)(3)(iv)

This final rule revises paragraph (b)(3)(iv) to update the conditions for

use of Appendix II of the ASME OM Code, 2003 Addenda through the 2015 Edition.

Paragraph (b)(3)(viii)

This final rule revises paragraph (b)(3)(viii) to remove the reference to the ''2011 Addenda, or 2012 Edition'' and to replace it with ''the latest edition and addenda of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section.''

Paragraph (b)(3)(ix)

This final rule revises paragraph (b)(3)(ix) to update the conditions for use of Subsection ISTF of the ASME OM Code, through the 2012 Edition or 2015 Edition.

Paragraph (b)(3)(xi)

This final rule revises paragraph (b)(3)(xi) to extend the applicability of the reference to the ASME OM Code, 2012 Edition through the latest edition and addenda of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) and to provide additional clarity regarding obturator position verification for valves with remote position indication.

Paragraphs (f)(4)(i) and (ii)

This final rule revises paragraphs (f)(4)(i) and (ii) to change the time frame for complying with the latest edition and addenda of the ASME OM Code from 12 months to 18 months, both for the initial and successive IST programs.

Paragraph (g)(4)

This final rule revises paragraph (g)(4) to remove the phrase ''subject to the condition referenced in paragraph (b)(2)(vi) of this section.''

Paragraph (g)(4)(i)

This final rule revises paragraph (g)(4)(i) to change the time frame for complying with the latest edition and addenda of the ASME BPV Codes, from 12 months to 18 months, for ISI programs. It also revises the last sentence in the paragraph to clarify the specific subarticle of Appendix I.

Paragraph (g)(4)(ii)

This final rule revises paragraph (g)(4)(ii) to change the time frames for complying with the latest edition and addenda of the ASME BPV Codes, from 12 months to 18 months, for successive ISI programs, and replaces the date of August 17, 2017, with June 3, 2020. It also revises the last sentence in the paragraph to clarify the specific subarticle of Appendix I.

Paragraph (g)(6)(ii)(C)

This final rule removes and reserves paragraph (g)(6)(ii)(C).

Paragraph (g)(6)(ii)(D)(1)

This final rule revises paragraph (g)(6)(ii)(D)(*1*) to remove the date of August 17, 2017, and to replace that date with June 3, 2020. It also updates the reference from Code Case N–729–4 to Code Case N–729–6. It also revises the paragraph to include the conditions in paragraphs (*2*) through (*8*) and that licensees must be in compliance with these conditions by no later than 1 year from June 3, 2020.

Paragraph (g)(6)(ii)(D)(2)

This final rule revises paragraph (g)(6)(ii)(D)(*2*) in its entirety.

Paragraph (g)(6)(ii)(D)(4)

This final rule revises paragraph (g)(6)(ii)(D)(*4*) to update the reference to ASME BPV Code Case N–729 from revision 4 to revision 6.

Paragraphs (g)(6)(ii)(D)(5) through (8)

This final rule adds new paragraphs (g)(6)(ii)(D)(*5*) through (*8*) to include the requirements for peening, baseline examinations, sister plants, and volumetric leak path assessment.

Paragraph (g)(6)(ii)(F)(1)

This final rule revises paragraph (g)(6)(ii)(F)(*1*) to remove the date of August 17, 2017, and to replace that date with June 3, 2020. It also updates the reference from Code Case N–770–2 (revision 2) to Code Case N–770–5 (revision 5). It also revises the paragraph to include the conditions in paragraphs (g)(6)(ii)(F)(*2*) through (*16*) of this section and that licensees must be in compliance with these conditions by no later than 1 year from June 3, 2020.

Paragraph (g)(6)(ii)(F)(2)

This final rule revises paragraph (g)(6)(ii)(F)(*2*) to include subparagraphs (i) through (v).

Paragraph (g)(6)(ii)(F)(3)

This final rule removes and reserves paragraph (g)(6)(ii)(F)(*3*).

Paragraph (g)(6)(ii)(F)(4)

This final rule revises paragraph (g)(6)(ii)(F)(*4*) to change the reference from ASME BPV Code Case N–770–2 (revision 2) to Code Case N–770–5 (revision 5).

Paragraph (g)(6)(ii)(F)(6)

This final rule revises paragraph (g)(6)(ii)(F)(*6*) to provide greater clarity of the requirements that must be met.

Paragraph (g)(6)(ii)(F)(9)

This final rule revises paragraph (g)(6)(ii)(F)(*9*) to include subparagraphs (i) through (iii).

Paragraph (g)(6)(ii)(F)(10)

This final rule revises paragraph (g)(6)(ii)(F)(*10*) from ASME BPV Code Case N–770–2 (revision 2) to N–770–5 (revision 5).

Paragraph (g)(6)(ii)(F)(11)

This final rule removes and reserves paragraph (g)(6)(ii)(F)(*11*).

Paragraph (g)(6)(ii)(F)(13)

This final rule revises paragraph (g)(6)(ii)(F)(*13*) to include inspection categories B–1, B–2, N–1, N–2 and O.

Paragraph (g)(6)(ii)(F)(14) through (16)

This final rule adds new paragraphs (g)(6)(ii)(F)(*14*) through (*16*) to contain the new requirements: excavate and weld repair cold leg, cracked excavate and weld repair, and partial arc excavate and weld repair.

VI. Generic Aging Lessons Learned Report

Background

In December 2010, the NRC issued ''Generic Aging Lessons Learned (GALL) Report,'' NUREG–1801, Revision 2 (ADAMS Accession No. ML103490041), for applicants to use in preparing license renewal applications. The GALL Report provides aging management programs (AMPs) that the NRC has concluded are sufficient for aging management in accordance with the license renewal rule, as required in § 54.21(a)(3). In addition, the ''Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants,'' (SRP–LR), NUREG–1800, Revision 2 (ADAMS Accession No. ML103490036), was issued in December 2010, to ensure the quality and uniformity of NRC staff reviews of license renewal applications and to present a well-defined basis on which the NRC staff evaluates the applicant's aging management programs and activities. In April 2011, the NRC also issued ''Disposition of Public Comments and Technical Bases for Changes in the License Renewal Guidance Documents NUREG–1801 and NUREG–1800,'' NUREG–1950 (ADAMS Accession No. ML11116A062), which describes the technical bases for the changes in Revision 2 of the GALL Report and Revision 2 of the Standard Review Plan for Review of License Renewal Applications.

Revision 2 of the GALL Report, in Sections XI.M1, XI.S1, XI.S2, XI.M3,

XI.M5, XI.M6, XI.M11B and XI.S3, describes the evaluation and technical bases for determining the sufficiency of ASME BPV Code Subsections IWB, IWC, IWD, IWE, IWF, or IWL for managing aging during the period of extended operation (*i.e.,* up to 60 years of operation). In addition, many other AMPs in the GALL Report rely, in part but to a lesser degree, on the requirements specified in the ASME BPV Code, Section XI. Revision 2 of the GALL report also states that the 1995 Edition through the 2004 Edition of the ASME BPV Code, Section XI, Subsections IWB, IWC, IWD, IWE, IWF, or IWL, as modified and limited by § 50.55a, were found to be acceptable editions and addenda for complying with the requirements of § 54.21(a)(3), unless specifically noted in certain sections of the GALL report. The GALL report further states that future **Federal Register** documents that amend § 50.55a will discuss the acceptability of editions and addenda more recent than the 2004 Edition for their applicability to license renewal. In a final rule issued on June 21, 2011 (76 FR 36232), subsequent to Revision 2 of the GALL report, the NRC also found that the 2004 Edition with the 2005 Addenda through the 2007 Edition with the 2008 Addenda of Section XI of the ASME BPV Code, Subsections IWB, IWC, IWD, IWE, IWF, or IWL, as subject to the conditions in § 50.55a, are acceptable for the AMPs in the GALL report and the conclusions of the GALL report remain valid with the augmentations specifically noted in the GALL report. In a final rule issued on July 18, 2017 (82 FR 32934), the NRC further finds that the 2009 Addenda through the 2013 Edition of Section XI of the ASME BPV Code, Subsections IWB, IWC, IWD, IWE, IWF, or IWL, as subject to the conditions in § 50.55a, will be acceptable for the AMPs in the GALL report.

In July 2017, the NRC issued ''Generic Aging Lessons Learned for Subsequent License Renewal (GALL–SLR) Report,'' NUREG–2191 (ADAMS Accession Nos. ML17187A031 and ML17187A204), for applicants to use in preparing applications for subsequent license renewal. The GALL–SLR report provides AMPs that are sufficient for aging management for the subsequent period of extended operation (*i.e.,* up to 80 years of operation), as required in § 54.21(a)(3). The NRC also issued ''Standard Review Plan for Review of Subsequent License Renewal Applications for Nuclear Power Plants,'' (SRP–SLR), NUREG–2192 in July 2017 (ADAMS Accession No. ML17188A158). In a similar manner as the GALL report does, the GALL–SLR report, in Sections XI.M1, XI.S1, XI.S2, XI.M3, XI.11B, and XI.S3, describes the evaluation and technical bases for determining the sufficiency of ASME BPV Code Subsections IWB, IWC, IWD, IWE, IWF, or IWL for managing aging during the subsequent period of extended operation. Many other AMPs in the GALL–SLR report rely, in part but to a lesser degree, on the requirements specified in the ASME BPV Code, Section XI. The GALL–SLR report also indicates that the 1995 Edition through the 2013 Edition of the ASME BPV Code, Section XI, Subsections IWB, IWC, IWD, IWE, IWF, or IWL, as subject to the conditions in § 50.55a, are acceptable for complying with the requirements of § 54.21(a)(3), unless specifically noted in certain sections of the GALL–SLR report.

Evaluation With Respect to Aging Management

As part of this final rule, the NRC evaluated whether those AMPs in the GALL report and GALL–SLR report which rely upon Subsections IWB, IWC, IWD, IWE, IWF, or IWL of Section XI in the editions and addenda of the ASME BPV Code incorporated by reference into § 50.55a, in general continue to be acceptable if the AMP relies upon these Subsections in the 2015 Edition and the 2017 Edition. The NRC finds that the 2015 Edition and the 2017 Edition of Section XI of the ASME BPV Code, Subsections IWB, IWC, IWD, IWE, IWF, or IWL, as subject to the conditions of this rule, are acceptable for the AMPs in the GALL report and GALL–SLR report and the conclusions of the GALL report and GALL–SLR report remain valid with the exception of augmentation, specifically noted in those reports. Accordingly, an applicant for license renewal (including subsequent license renewal) may use, in its plant-specific license renewal application, Subsections IWB, IWC, IWD, IWE, IWF, or IWL of Section XI of the 2015 Edition and the 2017 Edition of the ASME BPV Code, subject to the conditions in this rule, without additional justification. Similarly, a licensee approved for license renewal that relied on the AMPs may use Subsections IWB, IWC, IWD, IWE, IWF, or IWL of Section XI of the 2015 Edition and the 2017 Edition of the ASME BPV Code. However, applicants must assess and follow applicable NRC requirements with regard to licensing basis changes and evaluate the possible impact on the elements of existing AMPs.

Some of the AMPs in the GALL report and GALL–SLR report recommend augmentation of certain Code requirements in order to ensure adequate aging management for license renewal. The technical and regulatory aspects of the AMPs for which augmentations are recommended also apply if the 2015 Edition and the 2017 Edition of Section XI of the ASME BPV Code are used to meet the requirements of § 54.21(a)(3). The NRC staff evaluated the changes in the 2015 Edition and the 2017 Edition of Section XI of the ASME BPV Code to determine if the augmentations described in the GALL report and GALL–SLR report remain necessary; the NRC staff's evaluation has concluded that the augmentations described in the GALL and GALL–SLR reports are necessary to ensure adequate aging management.

For example, GALL–SLR report AMP XI.S3, ''ASME Section XI, Subsection IWF'', recommends that volumetric examination consistent with that of ASME BPV Code, Section XI, Table IWB–2500–1, Examination Category B–G–1 should be performed to detect cracking for high strength structural bolting (actual measured yield strength greater than or equal to 150 kilopound per square inch (ksi)) in sizes greater than 1 inch nominal diameter. The GALL–SLR report also indicates that this volumetric examination may be waived with adequate plant-specific justification. This guidance for aging management in the GALL–SLR report is the augmentation of the visual examination specified in Subsection IWF of the 2015 Edition and the 2017 Edition of ASME BPV Code, Section XI.

A license renewal applicant may either augment its AMPs as described in the GALL report and GALL–SLR report (for operation up to 60 and 80 years respectively), or propose alternatives for the NRC to review as part of the applicant's plant-specific justification for its AMPs.

VII. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the NRC certifies that this rule does not have a significant economic impact on a substantial number of small entities. This final rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the size standards established by the NRC (§ 2.810).

VIII. Regulatory Analysis

The NRC has prepared a final regulatory analysis on this regulation. The analysis examines the costs and benefits of the alternatives considered by the NRC. The regulatory analysis is

available as indicated in the ''Availability of Documents'' section of this document.

IX. Backfitting and Issue Finality

Introduction

The NRC's Backfit Rule in § 50.109 states that the NRC shall require the backfitting of a facility only when it finds the action to be justified under specific standards stated in the rule. Section 50.109(a)(1) defines backfitting as the modification of or addition to systems, structures, components, or design of a facility; the design approval or manufacturing license for a facility; or the procedures or organization required to design, construct, or operate a facility. Any of these modifications or additions may result from a new or amended provision in the NRC's rules or the imposition of a regulatory position interpreting the NRC's rules that is either new or different from a previously applicable NRC position after issuance of the construction permit or the operating license or the design approval.

Section 50.55a requires nuclear power plant licensees to:

- Construct ASME BPV Code Class 1, 2, and 3 components in accordance with the rules provided in Section III, Division 1, of the ASME BPV Code (''Section III'').
- Inspect Class 1, 2, 3, Class MC, and Class CC components in accordance with the rules provided in Section XI, Division 1, of the ASME BPV Code (''Section XI'').
- Test pumps, valves, and dynamic restraints (snubbers) in accordance with the rules provided in the ASME OM Code.

This final rule is incorporating by reference the 2015 and 2017 Editions to the ASME BPV Code, Section III, Division 1 and ASME BPV Code, Section XI, Division 1, as well as the 2015 and 2017 Editions to the ASME OM Code and Code Cases N–770–5 and N–729–6.

The ASME BPV and OM Codes are national consensus standards developed by participants with broad and varied interests, in which all interested parties (including the NRC and utilities) participate. A consensus process involving a wide range of stakeholders is consistent with the NTTAA, inasmuch as the NRC has determined that there are sound regulatory reasons for establishing regulatory requirements for design, maintenance, ISI, and IST by rulemaking. The process also facilitates early stakeholder consideration of backfitting issues. Thus, the NRC believes that the NRC need not address backfitting with respect to the NRC's general practice of incorporating by reference updated ASME Codes.

Overall Backfitting Considerations: Section III of the ASME BPV Code

Incorporation by reference of more recent editions and addenda of Section III of the ASME BPV Code does not affect a plant that has received a construction permit or an operating license or a design that has been approved. This is because the edition and addenda to be used in constructing a plant are, under § 50.55a, determined based on the date of the construction permit, and are not changed thereafter, except voluntarily by the licensee. The incorporation by reference of more recent editions and addenda of Section III ordinarily applies only to applicants after the effective date of the final rule incorporating these new editions and addenda. Thus, incorporation by reference of a more recent edition and addenda of Section III does not constitute ''backfitting'' as defined in § 50.109(a)(1).

Overall Backfitting Considerations: Section XI of the ASME BPV Code and the ASME OM Code

Incorporation by reference of more recent editions and addenda of Section XI of the ASME BPV Code and the ASME OM Code affects the ISI and IST programs of operating reactors. However, the Backfit Rule generally does not apply to incorporation by reference of later editions and addenda of the ASME BPV Code (Section XI) and OM Code. As previously mentioned, the NRC's longstanding regulatory practice has been to incorporate later versions of the ASME Codes into § 50.55a. Under § 50.55a, licensees shall revise their ISI and IST programs every 120 months to the latest edition and addenda of Section XI of the ASME BPV Code and the ASME OM Code incorporated by reference into § 50.55a 18 months before the start of a new 120-month ISI and IST interval. Thus, when the NRC approves and requires the use of a later version of the Code for ISI and IST, it is implementing this longstanding regulatory practice and requirement.

Other circumstances where the NRC does not apply the Backfit Rule to the approval and requirement to use later Code editions and addenda are as follows:

1. When the NRC takes exception to a later ASME BPV Code or OM Code provision but merely retains the current existing requirement, prohibits the use of the later Code provision, limits the use of the later Code provision, or supplements the provisions in a later Code. The Backfit Rule does not apply because the NRC is not imposing new requirements. However, the NRC explains any such exceptions to the Code in the Statement of Considerations and regulatory analysis for the rule.

2. When an NRC exception relaxes an existing ASME BPV Code or OM Code provision but does not prohibit a licensee from using the existing Code provision. The Backfit Rule does not apply because the NRC is not imposing new requirements.

3. Modifications and limitations imposed during previous routine updates of § 50.55a have established a precedent for determining which modifications or limitations are backfits, or require a backfit analysis (*e.g.,* final rule dated September 10, 2008 [73 FR 52731], and a correction dated October 2, 2008 [73 FR 57235]). The application of the backfit requirements to modifications and limitations in the current rule are consistent with the application of backfit requirements to modifications and limitations in previous § 50.55a rulemakings.

The incorporation by reference and adoption of a requirement mandating the use of a later ASME BPV Code or OM Code may constitute backfitting in some circumstances. In these cases, the NRC would perform a backfit analysis or documented evaluation in accordance with § 50.109. These include the following:

1. When the NRC endorses a later provision of the ASME BPV Code or OM Code that takes a substantially different direction from the existing requirements, the action is treated as a backfit (*e.g.,* 61 FR 41303; August 8, 1996).

2. When the NRC requires implementation of a later ASME BPV Code or OM Code provision on an expedited basis, the action is treated as a backfit. This applies when implementation is required sooner than it would be required if the NRC simply endorsed the Code without any expedited language (*e.g.,* 64 FR 51370; September 22, 1999).

3. When the NRC takes an exception to an ASME BPV Code or OM Code provision and imposes a requirement that is substantially different from the existing requirement as well as substantially different from the later Code (*e.g.,* 67 FR 60529; September 26, 2002).

Detailed Backfitting Discussion: Changes Beyond Those Necessary To Incorporate by Reference the New ASME BPV and OM Code Provisions

This section discusses the backfitting considerations for all the changes to

§ 50.55a that go beyond the minimum changes necessary and required to adopt the new ASME Code Addenda into § 50.55a.

ASME BPV Code, Section III

1. Add § 50.55a(b)(1)(x) to require compliance with two new conditions related to visual examination of bolts studs and nuts. Visual examination is one of the processes for acceptance of the final product to ensure its structural integrity and its ability to perform its intended function. The 2015 Edition of the ASME Code contains requirements for visual inspection of these components, however, the 2017 Edition does not require these visual examinations to be performed in accordance with NX–5100 and NX–5500. Therefore, the NRC is adding two conditions to ensure adequate procedures remain and qualified personnel remain capable of determining the structural integrity of these components. Since the new conditions restore requirements that were removed from the latest edition of the ASME Code, the conditions do not constitute a new or changed NRC position. Therefore, this change is not a backfit.

2. Add § 50.55a(b)(1)(xi) to require conditions on the use of ASME BPV Code, Section III, Appendix XXVI for installation of high density polyethylene (HDPE) pressure piping. This Appendix is new in the 2015 Edition of Section III, since it is the first time the ASME BPV Code has provided rules for the use of polyethylene piping. The use of HDPE is newly allowed by the Code, which provides alternatives to the use of current materials. Therefore, this change is not a backfit.

3. Add § 50.55a(b)(1)(xii) to prohibit applicants and licensees from using a Certifying Engineer who is not also a Registered Professional Engineer for code-related activities that are applicable to U.S. nuclear facilities regulated by the NRC. In the 2017 Edition of ASME BPV Code, Section III, Subsection NCA, the several Subsections were updated to replace the term ''Registered Professional Engineer,'' with term ''Certifying Engineer'' to be consistent with ASME BPV Code Section III Mandatory Appendix XXIII.

The NRC reviewed these changes and has determined that the use of a Certifying Engineer instead of a Registered Professional Engineer is only applicable for non-U.S. nuclear facilities. Since the use of a Certifying Engineer is newly allowed by the Code, the addition of the condition that prohibits the use of a Certifying Engineer that is not a Registered Professional Engineer for code-related activities is not a backfit.

ASME BPV Code, Section XI

1. Revise § 50.55a(b)(2)(ix) to require compliance with new condition § 50.55a(b)(2)(ix)(K). The NRC has developed condition § 50.55a(b)(2)(ix)(K) to ensure containment leak-chase channel systems are properly inspected. This condition serves to clarify the NRC's existing expectations, as described in inspection reports and IN 2014–07, and will be applicable to all editions of the ASME Code, prior to the 2017 Edition. The NRC considers this condition a clarification of the existing expectations and, therefore, does not consider this condition a backfit.

As noted previously, after issuance of the IN, the NRC received feedback during an August 22, 2014, public meeting between NRC and ASME management (ADAMS Accession No. ML14245A003), noting that the IN guidance appeared to be in conflict with ASME Section XI Interpretation XI–1–13–10. In response to the comment during the public meeting, the NRC issued a letter to ASME (ADAMS Accession No. ML14261A051), which stated the NRC believes the IN is consistent with the requirements in the ASME Code and restated the existing NRC staff position. ASME responded to the NRC's letter (ADAMS Accession No. ML15106A627) and noted that a condition in the regulations may be appropriate to clarify the NRC's position.

2. Revise § 50.55a(b)(2)(xx)(B) to clarify the condition with respect to the NRC's expectations for system leakage tests performed in lieu of a hydrostatic pressure test following repair/replacement activities performed by welding or brazing on a pressure retaining boundary using the 2003 Addenda through the latest edition and addenda of ASME BPV Code, Section XI incorporated by reference in paragraph § 50.55a(a)(1)(ii). This provision requires the licensee perform the applicable nondestructive testing that would be required by the 1992 Edition or later of ASME BPV Code, Section III. The nondestructive examination method (*e.g.* surface, volumetric, etc.) and acceptance criteria of the 1992 Edition or later of Section III shall be met and a system leakage test be performed in accordance with IWA–5211(a). The actual nondestructive examination and pressure testing may be performed using procedures and personnel meeting the requirements of the licensee's/applicant's current ISI code of record required by § 50.55a(g)(4). The condition does not constitute a new or changed NRC position. Therefore, the revision of this condition is not a backfit

3. Add § 50.55a(b)(2)(xx)(C) to place two conditions on the use of the alternative BWR Class 1 system leakage test described in IWA–5213(b)(2), IWB–5210(c) and IWB–5221(d) of the 2017 Edition of ASME Section XI. This is a new pressure test allowed by the Code at a reduced pressure as an alternative to the pressure test currently required. This allows a reduction in the requirements which is consistent with several NRC-approved alternatives/relief requests. Therefore, this change is not a backfit.

4. Add § 50.55a(b)(2)(xxi)(B) to require the plant-specific evaluation demonstrating the criteria of IWB–2500(f) are met and maintained in accordance with the Owners requirements, to prohibit use of the provisions of IWB–2500(f) and Table IWB–2500–1 Note 6 for of Examination Category B–D Item Numbers B3.90 and B3.100 for plants with renewed licenses, and to restrict the provisions of IWB–2500(g) and Table IWB–2500–1 Notes 6 and 7 for examination of Examination Category B–D Item Numbers B3.90 and B3.100. The condition does not allow the use of these provisions to eliminate the preservice or inservice volumetric examination of plants with a Combined Operating License pursuant to 10 CFR part 52, or a plant that receives its operating license after October 22, 2015. This revision applies the current requirements for use of these provisions as currently described in ASME Code Case N–702, which are currently allowed through Regulatory Guide 1.147, Revision 19. Therefore, the NRC does not consider the clarification to be a change in requirements. Therefore, this change is not a backfit.

5. Revise the condition found in § 50.55a(b)(2)(xxv) to allow the use of IWA–4340 of Section XI, 2011 Addenda through 2017 Edition with conditions.

Add § 50.55a(b)(2)(xxv)(A) which will continue the prohibition of IWA–4340 for Section XI editions and addenda prior to the 2011 Addenda. This prohibition applies the current requirements for use of these provision, therefore, the NRC does not consider the addition of § 50.55a(b)(2)(xxv)(A) to be a change in requirements. Therefore, this change is not a backfit.

Add § 50.55a(b)(2)(xxv)(B) which will allow the use of IWA–4340 of Section XI, 2011 Addenda through 2017 Edition with five conditions.

- The first condition prohibits the use of IWA–4340 on crack-like defects or

those associated with flow accelerated corrosion.

The design requirements and potentially the periodicity of follow-up inspections might not be adequate for crack-like defects that could propagate much faster than defects due to loss of material. Prior to the change to allow the use of IWA–4340, the provisions of this subsubarticle were not permitted for any type of defects. By establishment of the new conditions, the NRC will allow the use of IWA–4340 for defects such as wall loss due to general corrosion. Establishing a condition to not allow the use of IWA–4340 for crack-like defects does not constitute a new or changed NRC position. Therefore, the revision of this condition associated with crack-like defects is not a backfit.

As established in NUREG–1801, ''Generic Aging Lessons Learned (GALL) Report'', Revision 2, effective management of flow accelerated corrosion entails: (a) An analysis to determine critical locations, (b) limited baseline inspections to determine the extent of thinning at these locations, (c) use of a predictive Code (*e.g.,* CHECKWORKS); and (d) follow-up inspections to confirm the predictions, or repairing or replacing components as necessary. These provisions are not included in IWA–4340. In addition, subparagraph IWA–4421(c)(2) provides provisions for restoring minimum required wall thickness by welding or brazing, which can be used to mitigate a defect associated with flow accelerated corrosion. The condition related to flow accelerated corrosion does not constitute a new or changed NRC position. Therefore, the revision of this condition is not a backfit.

- The second condition requires the design of a modification that mitigates a defect to incorporate a loss of material rate either 2 times the actual measured corrosion rate in that pipe location, or 4 times the estimated maximum corrosion rate for the piping system. This condition is consistent with Code Case N–789, ''Alternative Requirements for Pad Reinforcement of Class 2 and 3 Moderate- Energy Carbon Steel Piping, Section XI, Division 1,'' Section 3, ''Design.'' The NRC has endorsed Code Case 789 in Regulatory Guide 1.147, ''Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1.'' The condition does not constitute a new or changed NRC position. Therefore, the revision of this condition is not a backfit.
- The third condition requires the licensee to perform a wall thickness examination in the vicinity of the modification and relevant pipe base metal during each refueling outage cycle to detect propagation of the defect unless the projected flaw propagation has been validated in two refueling outage cycles subsequent to the installation of the modification. Where the projected flaw growth has been validated, the modification shall be examined at half its expected life or once per interval whichever is smaller. This condition is consistent with Code Case N–789, Section 8, ''Inservice Monitoring,'' which requires follow-up wall thickness measurements to verify that the minimum design thicknesses are maintained. The follow-up examination requirements in IWA–4340 are inconsistent with the NRC endorsement of Code Case 789 in Regulatory Guide 1.147 in that the inspections can be limited to demonstrating that the flaw has not propagated into material credited for structural integrity without validating the project flaw growth. Two exceptions allow for different follow-up examinations of buried piping where the loss of material has occurred due to internal or external corrosion. The condition is part of a relaxation on the use of IWA–4340 of Section XI, 2011 Addenda through 2017 Edition. Therefore this condition is not a backfit.

6. Revise § 50.55a(b)(2)(xxvi) to require that a system leakage test be conducted after implementing a repair replacement activity on a mechanical joint greater than NPS–1. The revision will also clarify what Code edition/addenda may be used when conducting the pressure test. This revision clarifies the current requirements, which the NRC considers to be consistent with the meaning and intent of the current requirements. Therefore, the NRC does not consider the clarification to be a change in requirements. Therefore, this change is not a backfit.

7. Revise § 50.55a(b)(2)(xxxii) to clarify the requirement to submit Summary Reports pre-2015 Edition and Owner Activity Reports in the 2015 Edition of the ASME BPV Code. This revision clarifies the current requirements, which the NRC considers to be consistent with the meaning and intent of the current requirements. Therefore, the NRC does not consider the clarification to be a change in requirements. Therefore, this change is not a backfit.

8. Add § 50.55a(b)(2)(xxxv)(B) which conditions the use of 2015 Edition of ASME BPV Code, Section XI, Appendix A, paragraph A–4200(c), to define RT_{KIa} in equation for U.S. Units as $RT_{KIa} = T_0 + 90.267 \exp(-0.003406T_0)$ in lieu of the equation shown in the Code. When the equation was converted from SI units to U.S. Customary units, a mistake was made which makes the equation erroneous. The equation shown above for RT_{KIa} is the correct formula. This is part of the newly revised Code, and the addition of this condition is not a new requirement and therefore not a backfit.

9. Revise § 50.55a(b)(2)(xxxvi) to extend the applicability to use of the 2015 and 2017 Editions of Section XI of the ASME BPV Code. The condition was added in the 2009–2013 rulemaking. ASME did not make changes in the 2015 or 2017 Editions of the ASME BPV Code; therefore, the condition still applies. The NRC considers this revision to the condition to be consistent with the meaning and intent of the current requirements. Therefore, the NRC does not consider the extension of the condition to be a change in requirements. Therefore, this change is not a backfit.

10. Add § 50.55a(b)(2)(xxxviii) to condition ASME BPV Code, Section XI, Appendix III, Supplement 2. Supplement 2 is closely based on ASME Code Case N–824, which was incorporated by reference with conditions in § 50.55a(a)(3)(ii). The conditions on ASME BPV Code, Section XI, Appendix III, Supplement 2 are consistent with the conditions on ASME Code Case N–824. Therefore, the NRC does not consider this a new requirement. Therefore, this change is not a backfit.

11. Add § 50.55a(b)(2)(xxxix) to condition the use of Section XI, IWA–4421(c)(1) and IWA–4421(c)(2). The NRC considers these conditions necessary as part of the allowance to use IWA–4340. The condition on the use of IWA–4421(c)(1) and IWA–4421(c)(2) does not constitute a new or changed NRC position. Therefore, the addition of this condition is not a backfit.

12. Add § 50.55a(b)(2)(xl) to prohibit the use of ASME BPV Code, Section XI, 2017 Edition, Subparagraphs IWB–3510.4(b)(4) and IWB–3510.4(b)(5). The condition does not change the current material requirements because the currently required testing to meet the material requirements for those materials addressed by the new condition would continue to be performed per the existing requirements. Therefore, this condition on the use of IWB–3510.4(b) does not constitute a new or changed NRC position. Therefore, the addition of this condition is not a backfit.

13. Add § 50.55a(b)(2)(xli) to prohibit the use of ASME BPV Code, Section XI, Subparagraphs IWB–3112(a)(3) and IWC–3112(a)(3) in the 2013 Edition of Section XI through the latest edition and addenda incorporated by reference in

paragraph (a)(1)(ii). The condition is consistent with the NRC's current prohibition of these items as discussed in Regulatory Guide 1.193 in the discussion of ASME Code Case N–813. Therefore, this condition does not constitute a new or changed NRC position. Therefore, the addition of this condition is not a backfit.

14. Add § 50.55a(b)(2)(xlii) to provide conditions for Examination Category B–F, Item B5.11 and Item B5.71 in the 2011a Addenda through the latest edition and addenda incorporated by reference in previous paragraphs (a)(1)(ii) of this section. The conditions are consistent with the conditions on the use of ASME Code Case N–799 in Regulatory Guide 1.147, Revision 19. The conditions being added in this final rule are a simplification and relaxation of the current conditions on the use of Code Case N–799. Therefore, the addition of these conditions is not a backfit.

15. Revise § 50.55a(g)(6)(ii)(D) to implement Code Case N–729–6. On March 3, 2016, the ASME approved the sixth revision of ASME BPV Code Case N–729, (N–729–6). The NRC is revising the requirements of § 50.55a(g)(6)(ii)(D) to require licensees to implement ASME BPV Code Case N–729–6, with conditions. The ASME BPV Code Case N–729–6 contains similar requirements as N–729–4; however, N–729–6 also contains new requirements to address peening mitigation and inspection relief for replaced reactor pressure vessel heads with nozzles and welds made of more crack resistant materials. The new NRC conditions on the use of ASME BPV Code Case N–729–6 address operational experience, clarification of implementation, and the use of alternatives to the code case.

The current regulatory requirements for the examination of pressurized water reactor upper RPV heads that use nickel-alloy materials are provided in § 50.55a(g)(6)(ii)(D). This section was first created by rulemaking, dated September 10, 2008, (73 FR 52730) to require licensees to implement ASME BPV Code Case N–729–1, with conditions, instead of the examinations previously required by the ASME BPV Code, Section XI. The action did constitute a backfit; however, the NRC concluded that imposition of ASME BPV Code Case N–729–1, as conditioned, constituted an adequate protection backfit.

The General Design Criteria (GDC) for nuclear power plants (appendix A to 10 CFR part 50) or, as appropriate, similar requirements in the licensing basis for a reactor facility, provide bases and requirements for NRC assessment of the potential for, and consequences of, degradation of the reactor coolant pressure boundary (RCPB). The applicable GDC include GDC 14 (Reactor Coolant Pressure Boundary), GDC 31 (Fracture Prevention of Reactor Coolant Pressure Boundary), and GDC 32 (Inspection of Reactor Coolant Pressure Boundary). General Design Criterion 14 specifies that the RCPB be designed, fabricated, erected, and tested so as to have an extremely low probability of abnormal leakage, of rapidly propagating failure, and of gross rupture. General Design Criterion 31 specifies that the probability of rapidly propagating fracture of the RCPB be minimized. General Design Criterion 32 specifies that components that are part of the RCPB have the capability of being periodically inspected to assess their structural and leaktight integrity.

The NRC concludes that incorporation by reference of Code Case N–729–6, as conditioned, into § 50.55a as a mandatory requirement will continue to ensure reasonable assurance of adequate protection of public health and safety. Updating the regulations to require using ASME BPV Code Case N–729–6, with conditions, ensures that potential flaws will be detected before they challenge the structural or leaktight integrity of the reactor pressure vessel upper head within current nondestructive examination limitations. The code case provisions and the NRC's conditions on examination requirements for reactor pressure vessel upper heads are essentially the same as those established under ASME BPV Code Case N–729–4, as conditioned. Exceptions include: (1) An introduction of examination relief for upper heads with Alloy 690 penetration nozzles to be examined volumetrically every 20 years in accordance with Table 1 of ASME BPV Code Case N–729–6, (2) introduction of peening as a mitigation technique along with requirements for peening and inspection relief following peening and (3) substitution of a volumetric leak path examination for a required surface examination if a bare metal visual examination identifies a possible indication of leakage.

The NRC continues to find that examinations of reactor pressure vessel upper heads, their penetration nozzles, and associated partial penetration welds are necessary for adequate protection of public health and safety and that the requirements of ASME BPV Code Case N 729–6, as conditioned, represent an acceptable approach, developed, in part, by a voluntary consensus standards organization for performing future inspections. The NRC conditions on Code Case N–729–6 address newly defined provisions by the Code for peening and inspection relief for upper heads with Alloy 690 penetration nozzles which provide alternatives to the use of current requirements and provide clarification or relaxation of existing conditions. Therefore, the NRC concludes the incorporation by reference of ASME BPV Code Case N–729–6, as conditioned, into § 50.55a is not a backfit.

16. Revise § 50.55a(g)(6)(ii)(F), ''Examination requirements for Class 1 piping and nozzle dissimilar metal butt welds.'' On November 7, 2016, the ASME approved the fifth revision of ASME BPV Code Case N–770 (N–770–5). The NRC is updating the requirements of § 50.55a(g)(6)(ii)(F) to require licensees to implement ASME BPV Code Case N–770–5, with conditions. The ASME BPV Code Case N–770–5 contains similar baseline and ISI requirements for unmitigated nickel-alloy butt welds, and preservice and ISI requirements for mitigated butt welds as N–770–2. However, N–770–5 also contains new provisions which extend the inspection frequency for cold leg temperature dissimilar metal butt welds greater than 14-inches in diameter to once per interval not to exceed 13 years, define performance criteria and examinations for welds mitigated by peening, and criteria for inservice inspection requirements for excavate and weld repair PWSCC mitigations. Minor changes were also made to address editorial issues, to correct figures, or to add clarity. The NRC's conditions on the use of ASME BPV Code Case N–770–5 have been modified to address the changes in the code case, clarify reporting requirements and address the implementation of peening and excavate and weld repair PWSCC mitigation techniques.

The current regulatory requirements for the examination of ASME Class 1 piping and nozzle dissimilar metal butt welds that use nickel-alloy materials are provided in § 50.55a(g)(6)(ii)(F). This section was first created by rulemaking, dated June 21, 2011 (76 FR 36232), to require licensees to implement ASME BPV Code Case N–770–1, with conditions. The NRC added § 50.55a(g)(6)(ii)(F) to require licensees to implement ASME BPV Code Case N–770–1, with conditions, instead of the examinations previously required by the ASME BPV Code, Section XI. The action did constitute a backfit; however, the NRC concluded that imposition of ASME BPV Code Case N–770–1, as conditioned, constituted an adequate protection backfit.

The GDC for nuclear power plants (appendix A to 10 CFR part 50) or, as

appropriate, similar requirements in the licensing basis for a reactor facility, provide bases and requirements for NRC assessment of the potential for, and consequences of, degradation of the RCPB. The applicable GDC include GDC 14 (Reactor Coolant Pressure Boundary), GDC 31 (Fracture Prevention of Reactor Coolant Pressure Boundary) and GDC 32 (Inspection of Reactor Coolant Pressure Boundary). General Design Criterion 14 specifies that the RCPB be designed, fabricated, erected, and tested so as to have an extremely low probability of abnormal leakage, of rapidly propagating failure, and of gross rupture. General Design Criterion 31 specifies that the probability of rapidly propagating fracture of the RCPB be minimized. General Design Criterion 32 specifies that components that are part of the RCPB have the capability of being periodically inspected to assess their structural and leaktight integrity.

The NRC concludes that incorporation by reference of Code Case N–770–5, as conditioned, into § 50.55a as a mandatory requirement will continue to ensure reasonable assurance of adequate protection of public health and safety. Updating the regulations to require using ASME BPV Code Case N–770–5, with conditions, ensures leakage would likely not occur and potential flaws will be detected before they challenge the structural or leaktight integrity of these reactor coolant pressure boundary piping welds. All current licensees of U.S. pressurized water reactors will be required to implement ASME BPV Code Case N–770–5, as conditioned. The Code Case N–770–5 provisions for the examination requirements for ASME Class 1 piping and nozzle nickel-alloy dissimilar metal butt welds are similar to those established under ASME BPV Code Case N–770–2, as conditioned; however, Code Case N–770–5 includes provisions for two additional PWSCC mitigation techniques (peening and excavate and weld repair) along with requirements for performance of these techniques and examination of welds mitigated using them. Additionally, Code Case N–770–5 would allow for some relaxation in the reexamination or deferral of certain welds. However, the NRC's condition would not allow this relaxation/deferral of examination requirements. The NRC conditions on Code Case N–770–5 address newly defined provisions by the Code for examinations and performance criteria for mitigation by peening, examinations for mitigation by excavate and weld repair, and extension of the examination frequency for certain cold leg temperature welds, which provide alternatives to the use of current requirements and provide clarification or relaxation of existing conditions. Therefore, the NRC concludes the incorporation by reference of ASME BPV Code Case N–770–5, as conditioned, into § 50.55a is not a backfit.

ASME OM Code

1. Revise the introductory text of paragraph (b)(3) to reference the 1995 Edition through the latest edition and addenda of the ASME OM Code incorporated by reference in § 50.55a(a)(1)(iv), and to include Appendix IV of the ASME OM Code in the list of mandatory appendices incorporated by reference in § 50.55a. The revision of § 50.55a to incorporate by reference updated editions of the ASME OM Code is consistent with longstanding NRC policy and does not constitute a backfit.

2. Revise § 50.55a(b)(3)(ii) to specify that the condition on MOV testing applies to the latest edition and addenda of the ASME OM Code incorporated by reference in § 50.55a(a)(1)(iv). This will allow future rulemakings to revise § 50.55a(a)(1)(iv) to incorporate the latest edition of the ASME OM Code without the need to revise § 50.55a(b)(3)(ii). This is an administrative change to simplify future rulemakings and, therefore, is not a backfit.

3. Revise § 50.55a(b)(3)(iv) to (1) accept the use of Appendix II in the 2017 Edition of the ASME OM Code without conditions; (2) update § 50.55a(b)(3)(iv) to apply Table II to Appendix II of the ASME OM Code, 2003 Addenda through the 2015 Edition; and (3) remove the outdated conditions in paragraphs (A) through (D) of § 50.55a(b)(3)(iv). These changes reflect improvements to Appendix II in the 2017 Edition of the ASME OM Code, and the removal of outdated conditions on previous editions and addenda of the ASME OM Code. The relaxation of conditions in § 50.55a(b)(3)(iv) to reflect the updated ASME OM Code is not a backfit.

4. Revise § 50.55a(b)(3)(viii) to specify that the condition on Subsection ISTE applies to the latest edition and addenda of the ASME OM Code incorporated by reference in § 50.55a(a)(1)(iv). This will allow future rulemakings to revise § 50.55a(a)(1)(iv) to incorporate the latest edition of the ASME OM Code without the need to revise § 50.55a(b)(3)(viii). This is an administrative change to simplify future rulemakings and, therefore, is not a backfit.

5. Revise § 50.55a(b)(3)(ix) to specify that Subsection ISTF of the ASME OM Code, 2017 Edition, is acceptable without conditions, and that licensees applying Subsection ISTF in the 2015 Edition of the ASME OM Code shall satisfy the requirements of Appendix V of the ASME OM Code. Subsection ISTF in the 2017 Edition of the ASME OM Code has incorporated the provisions from Appendix V such that its reference to Subsection ISTF in the 2017 Edition of the ASME OM Code is not necessary. This is an update to the condition to apply to the 2015 Edition (in addition to the 2012 Edition), and a relaxation to remove the applicability of the condition to the 2017 Edition of the ASME OM Code. Therefore, the update to this condition is not a backfit.

6. Revise § 50.55a(b)(3)(xi) for the implementation of paragraph ISTC–3700 on valve position indication in the ASME OM Code to apply to the 2012 Edition through the latest edition and addenda of the ASME OM Code incorporated by reference in § 50.55a(a)(1)(iv). This will allow future rulemakings to revise § 50.55a(a)(1)(iv) to incorporate the latest edition of the ASME OM Code without the need to revise § 50.55a(b)(3)(xi). In addition, the NRC is clarifying that this condition applies to all valves with remote position indicators within the scope of Subsection ISTC and all mandatory appendices. The clarification allows additional flexibility in its implementation. This is an administrative change to simplify future rulemakings and clarify and relax the condition and, therefore, is not a backfit.

7. Revise § 50.55a(f)(4)(i) and (ii) to relax the time schedule for complying with the latest edition and addenda of the ASME OM Code for the initial and successive IST programs from 12 months to 18 months. This relaxation of the time schedule for the IST programs is not a backfit.

8. Revise § 50.55a(g)(4)(i) and (ii) to clarify the paragraphs and relax the time schedule for complying with the latest edition and addenda of the ASME BPV Code for the initial and successive ISI programs from 12 months to 18 months. This relaxation of the time schedule for the ISI programs is not a backfit.

Conclusion

The NRC finds that incorporation by reference into § 50.55a of the 2015 and 2017 Editions of Section III, Division 1, of the ASME BPV Code subject to the identified conditions; the 2015 and 2017 Edition of Section XI, Division 1, of the ASME BPV Code, subject to the identified conditions; the 2015 and 2017 Editions of the ASME OM Code subject

to the identified conditions; and the two Code Cases N–729–6 and N–770–5 subject to identified conditions, does not constitute backfitting or represent an inconsistency with any issue finality provisions in 10 CFR part 52.

X. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883).

XI. Environmental Assessment and Final Finding of No Significant Environmental Impact

This final rule action is in accordance with the NRC's policy to incorporate by reference in § 50.55a new editions and addenda of the ASME BPV and OM Codes to provide updated rules for constructing and inspecting components and testing pumps, valves, and dynamic restraints (snubbers) in light-water nuclear power plants. The ASME Codes are national voluntary consensus standards and are required by the NTTAA to be used by government agencies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. The National Environmental Policy Act (NEPA) requires Federal agencies to study the impacts of their ''major Federal actions significantly affecting the quality of the human environment,'' and prepare detailed statements on the environmental impacts of the proposed action and alternatives to the proposed action (42 U.S.C. 4332(C); NEPA Sec. 102(C)).

The NRC has determined under NEPA, as amended, and the NRC's regulations in subpart A of 10 CFR part 51, that this rule is not a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The rulemaking does not significantly increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released off-site, and there is no significant increase in public radiation exposure. The NRC concludes that the increase in occupational exposure would not be significant. This rule does not involve non-radiological plant effluents and has no other environmental impact. Therefore, no significant non-radiological impacts are associated with this action. The determination of this environmental assessment is that there will be no significant off-site impact to the public from this action.

XII. Paperwork Reduction Act Statement

This final rule contains new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*). The collections of information were approved by the Office of Management and Budget (OMB), approval number 3150–0011.

Because the rule will reduce the burden for existing information collections, the burden to the public for the information collections is estimated to be decreased by 313 hours per response. This reduction includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection.

The information collection is being conducted to document the plans for and the results of ISI and IST programs. The records are generally historical in nature and provide data on which future activities can be based. The practical utility of the information collection for the NRC is that appropriate records are available for auditing by NRC personnel to determine if ASME BPV and OM Code provisions for construction, inservice inspection, repairs, and inservice testing are being properly implemented in accordance with § 50.55a, or whether specific enforcement actions are necessary. Responses to this collection of information are generally mandatory under § 50.55a.

You may submit comments on any aspect of the information collection(s), including suggestions for reducing the burden, by the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0082.
- *Mail comments to:* Information Services Branch, Office of the Chief Information Officer, Mail Stop: T6–A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001 or to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (3150–0011), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street NW, Washington, DC 20503; email: *oira_submission@omb.eop.gov.*

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

XIII. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

XIV. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113 (NTTAA), and implementing guidance in U.S. Office of Management and Budget (OMB) Circular A–119 (February 10, 1998), requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless using such a standard is inconsistent with applicable law or is otherwise impractical. The NTTAA requires Federal agencies to use industry consensus standards to the extent practical; it does not require Federal agencies to endorse a standard in its entirety. Neither the NTTAA nor Circular A–119 prohibit an agency from adopting a voluntary consensus standard while taking exception to specific portions of the standard, if those provisions are deemed to be ''inconsistent with applicable law or otherwise impractical.'' Furthermore, taking specific exceptions furthers the Congressional intent of Federal reliance on voluntary consensus standards because it allows the adoption of substantial portions of consensus standards without the need to reject the standards in their entirety because of limited provisions that are not acceptable to the agency.

In this final rule, the NRC is continuing its existing practice of establishing requirements for the design, construction, operation, ISI (examination) and IST of nuclear power plants by approving the use of the latest editions and addenda of the ASME BPV and OM Codes (ASME Codes) in § 50.55a. The ASME Codes are voluntary consensus standards, developed by participants with broad and varied interests, in which all interested parties (including the NRC and licensees of nuclear power plants) participate. Therefore, the NRC's incorporation by reference of the ASME Codes is consistent with the overall objectives of the NTTAA and OMB Circular A–119.

As discussed in Section II of this document, this final rule conditions the use of certain provisions of the 2015 and 2017 Editions to the ASME BPV Code, Section III, Division 1 and the ASME

BPV Code, Section XI, Division 1, as well as the 2015 and 2017 Editions to the ASME OM Code. This final rule also includes Code Cases N–729–6 and N–770–5. The NRC is using the following voluntary consensus standard: ''Materials Reliability Program: Topical Report for Primary Water Stress Corrosion Cracking Mitigation by Surface Stress Improvement'' (MRP–335, Revision 3–A), EPRI approval date: November 2016. The NRC is incorporating this standard because the NRC references MRP–335, Revision 3–A, within this condition on the requirements in the ASME Code Cases. In addition, the NRC is proposing to not adopt (''excludes'') certain provisions of the ASME Codes and MRP–335, Revision 3–A, as discussed in this document, and in the regulatory and backfit analysis for this final rule. The NRC determines that this final rule complies with the NTTAA and OMB Circular A–119 despite these conditions and ''exclusions.''

If the NRC did not conditionally accept ASME editions, addenda, and code cases, the NRC would disapprove them entirely. The effect would be that licensees and applicants would submit a larger number of requests for the use of alternatives under § 50.55a(z), requests for relief under § 50.55a(f) and (g), or requests for exemptions under § 50.12 and/or § 52.7. These requests would likely include broad-scope requests for approval to issue the full scope of the ASME Code editions and addenda which would otherwise be approved in this final rule (*i.e.,* the request would not be simply for approval of a specific ASME Code provision with conditions). These requests would be an unnecessary additional burden for both the licensee and the NRC, since the NRC has already determined that the ASME Codes and Code Cases that are the subject of this final rule are acceptable for use (in some cases with conditions). For these reasons, the NRC concludes that this final rule's treatment of ASME Code editions and addenda, and code cases and any conditions placed on them does not conflict with any policy on agency use of consensus standards specified in OMB Circular A–119.

The NRC did not identify any other voluntary consensus standards developed by U.S. voluntary consensus standards bodies for use within the U.S. that the NRC could incorporate by reference instead of the ASME Codes. The NRC also did not identify any voluntary consensus standards developed by multinational voluntary consensus standards bodies for use on a multinational basis that the NRC could incorporate by reference instead of the ASME Codes. The NRC identified codes addressing the same subject as the ASME Codes for use in individual countries. At least one country, Korea, directly translated the ASME Code for use in that country. In other countries (*e.g.,* Japan), ASME Codes were the basis for development of the country's codes, but the ASME Codes were substantially modified to accommodate that country's regulatory system and reactor designs. Finally, there are countries (*e.g.,* the Russian Federation) where that country's code was developed without regard to the ASME Code. However, some of these codes may not meet the definition of a voluntary consensus standard because they were developed by the state rather than a voluntary consensus standards body. Evaluation by the NRC of the countries' codes to determine whether each code provides a comparable or enhanced level of safety when compared against the level of safety provided under the ASME Codes would require a significant expenditure of agency resources. This expenditure does not seem justified, given that substituting another country's code for the U.S. voluntary consensus standard does not appear to substantially further the apparent underlying objectives of the NTTAA.

In summary, this final rule satisfies the requirements of the NTTAA and OMB Circular A–119.

XV. Incorporation by Reference—Reasonable Availability to Interested Parties

The NRC is incorporating by reference four recent editions to the ASME Codes for nuclear power plants (2015 ASME Boiler and Pressure Vessel Code, 2017 ASME Boiler and Pressure Vessel Code, ASME OM–2015, and ASME OM–2017) and two revised ASME Code Cases (ASME BPV Code Case N–729–6 and ASME BPV Code Case N–770–5). As described in the ''Background'' and ''Discussion'' sections of this document, these materials contain standards for the design, fabrication, and inspection of nuclear power plant components. The NRC is also incorporating by reference an EPRI Topical Report. As described in the ''Background'' and ''Discussion'' sections of this document, this report contains requirements related to the two revised ASME Code Cases.

The NRC is required by law to obtain approval for incorporation by reference from the Office of the **Federal Register** (OFR). The OFR's requirements for incorporation by reference are set forth in 1 CFR part 51. On November 7, 2014, the OFR adopted changes to its regulations governing incorporation by reference (79 FR 66267). The OFR regulations require an agency to include in a final rule a discussion of the ways that the materials the agency incorporates by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties. The discussion in this section complies with the requirement for final rules as set forth in § 51.5(b).

The NRC considers ''interested parties'' to include all potential NRC stakeholders, not only the individuals and entities regulated or otherwise subject to the NRC's regulatory oversight. These NRC stakeholders are not a homogenous group but vary with respect to the considerations for determining reasonable availability. Therefore, the NRC distinguishes between different classes of interested parties for the purposes of determining whether the material is ''reasonably available.'' The NRC considers the following to be classes of interested parties in NRC rulemakings with regard to the material to be incorporated by reference:

- Individuals and small entities regulated or otherwise subject to the NRC's regulatory oversight (this class also includes applicants and potential applicants for licenses and other NRC regulatory approvals) and who are subject to the material to be incorporated by reference by rulemaking. In this context, ''small entities'' has the same meaning as a ''small entity'' under § 2.810.
- Large entities otherwise subject to the NRC's regulatory oversight (this class also includes applicants and potential applicants for licenses and other NRC regulatory approvals) and who are subject to the material to be incorporated by reference by rulemaking. In this context, ''large entities'' are those which do not qualify as a ''small entity'' under § 2.810.
- Non-governmental organizations with institutional interests in the matters regulated by the NRC.
- Other Federal agencies, states, local governmental bodies (within the meaning of § 2.315(c)).
- Federally-recognized and State-recognized [5] Indian tribes.
- Members of the general public (*i.e.,* individual, unaffiliated members of the public who are not regulated or otherwise subject to the NRC's regulatory oversight) who may wish to gain access to the materials which the

[5] State-recognized Indian tribes are not within the scope of § 2.315(c). However, for purposes of the NRC's compliance with 1 CFR 51.5, ''interested parties'' includes a broad set of stakeholders, including State-recognized Indian tribes.

NRC proposes to incorporate by reference by rulemaking in order to participate in the rulemaking process.

The NRC makes the materials to be incorporated by reference available for inspection to all interested parties, by appointment, at the NRC Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301–415–7000; email: *Library.Resource@nrc.gov.*

Interested parties may obtain a copy of the EPRI Topical Report free of charge from EPRI from their website at *https://www.epri.com.*

Interested parties may purchase a copy of the ASME materials from ASME at Three Park Avenue, New York, NY 10016, or at the ASME website *https://www.asme.org/shop/standards.* The materials are also accessible through third-party subscription services such as IHS (15 Inverness Way East, Englewood, CO 80112; *https://global.ihs.com*) and Thomson Reuters Techstreet (3916 Ranchero Dr., Ann Arbor, MI 48108; *http://www.techstreet.com*). The purchase prices for individual documents range from $225 to $720 and the cost to purchase all documents is approximately $9,000.

For the class of interested parties constituting members of the general public who wish to gain access to the materials to be incorporated by reference in order to participate in the rulemaking, the NRC recognizes that the $9,000 cost may be so high that the materials could be regarded as not reasonably available for purposes of commenting on this final rule, despite the NRC's actions to make the materials available at the NRC's PDR.

Accordingly, the NRC sent a letter to the ASME requesting that they consider enhancing public access to these materials during the public comment period (ADAMS Accession No. ML17310A186). In a May 30, 2018, email to the NRC, the ASME agreed to make the materials available online in a read-only electronic access format during the public comment period (ADAMS Accession No. ML18157A113).

During the public comment period, the ASME made publicly-available the four editions to the ASME Codes for nuclear power plants and the two ASME Code Cases which the NRC proposed to incorporate by reference. The ASME made the materials publicly-available in read-only format at the ASME website *http://go.asme.org/NRC-ASME.*

The materials are available to all interested parties in multiple ways and in a manner consistent with their interest in this final rule. Therefore, the NRC concludes that the materials the NRC is incorporating by reference in this final rule are reasonably available to all interested parties.

XVI. Availability of Guidance

The NRC will not be issuing guidance for this final rule. The ASME BPV Code and OM Code provide direction for the performance of activities to satisfy the Code requirements for design, inservice inspection, and inservice testing of nuclear power plant SSCs. In addition, the NRC provides guidance in this **Federal Register** notice for the implementation of the new conditions on the ASME BPV Code and OM Code, as necessary. The NRC has a number of standard review plans (SRPs), which provide guidance to NRC reviewers and make communication and understanding of NRC review processes available to members of the public and the nuclear power industry. NUREG–0800, ''Review of Safety Analysis Reports for Nuclear Power Plants,'' has numerous sections which discuss implementation of various aspects of the ASME BPV Code and OM Code (*e.g.,* Sections 3.2.2, 3.8.1, 3.8.2, 3.9.3, 3.9.6, 3.9.7, 3.9.8, 3.13, 5.2.1.1, 5.2.1.2, 5.2.4, and 6.6). The NRC also publishes Regulatory Guides and Generic Communications (*i.e.,* Regulatory Issue Summaries, Information Notices) to communicate and clarify NRC technical or policy positions on regulatory matters which may contain guidance relative to this final rule.

Revision 2 of NUREG–1482, ''Guidelines for Inservice Testing at Nuclear Power Plants,'' provides guidance for the development and implementation of IST programs at nuclear power plants. With direction provided in the ASME BPV and OM Codes, and guidance in this **Federal Register** notice, the NRC has determined that preparation of a separate guidance document is not necessary for this update to § 50.55a. However, the NRC is preparing a revision to NUREG–1482 to address the latest edition of the ASME OM Code incorporated by reference in § 50.55a.

XVII. Availability of Documents

The NRC is making the documents identified in Table 1 available to interested persons through one or more of the following methods, as indicated. To access documents related to this action, see the **ADDRESSES** section of this document.

TABLE 1—AVAILABILITY OF DOCUMENTS

Document	ADAMS accession No./**Federal Register** citation/web link
Proposed Rule Documents:	
Proposed Rule—**Federal Register** Notice	83 FR 56156 (November 9, 2018).
Draft Regulatory Analysis (includes backfitting discussion in Appendix A)	ML18150A267.
Final Rule Documents:	
Final Regulatory Analysis	ML19098A807.
Final Rule (10 CFR 50.55a) American Society of Mechanical Engineers Codes and Code Cases: Analysis of Public Comments.	ML19095B549.
Related Documents:	
NRC Meeting Summary of July 30, 2018 Category 3 Public Meeting to Discuss Rulemaking to Incorporate by Reference American Society of Mechanical Engineers Codes into NRC Regulations.	ML18219B862.
Letter from Brian Thomas, NRC, to William Berger, ASME; ''Public Access to Material the NRC Seeks to Incorporate by Reference into its Regulations—Revised Request;'' January 8, 2018.	ML17310A186.
Email from Christian Sanna, ASME, to Brian Thomas, NRC; May 30, 2018	ML18157A113.
Memorandum from Wallace Norris, NRC, to David Rudland, NRC; ''Summary of August 22, 2014, Public Meeting Between ASME and NRC—Information Exchange''; September 8, 2014.	ML14245A003.
Letter from John Lubinski, NRC, to Kevin Ennis, ASME; ''NRC Information Notice 2014–07 Regarding Inspection of Containment Leak-Chase Channels''; March 3, 2015.	ML14261A051.
Letter from Ralph Hill, ASME, to John Lubinski, NRC; ''ASME Code, Section XI Actions to Address Requirements for Examination of Containment Leak-Chase Channels;'' April 13, 2015.	ML15106A627.

TABLE 1—AVAILABILITY OF DOCUMENTS—Continued

Document	ADAMS accession No./**Federal Register** citation/web link
NRC Staff Requirements Memorandum SRM–M990910, ''Staff Requirements—Affirmation Session, 11:30 a.m., Friday, September 10, 1999, Commissioners' Conference Room, One White Flint North, Rockville, Maryland (Open to Public Attendance),'' September 10, 1999.	ML003755050.
NUREG/CR–6654, ''A Study of Air-Operated Valves in U.S. Nuclear Power Plants,'' February 2000	ML003691872.
NRC Generic Letter 88–14, ''Instrument Air Supply System Problems Affecting Safety-Related Equipment,'' August 1988.	ML031130440.
NRC Regulatory Issue Summary 2000–03, ''Resolution of Generic Safety Issue (GSI) 158, 'Performance of Safety Related Power-Operated Valves Under Design-Basis Conditions','' March 2000.	ML003686003.
NRC Information Notice 1986–050, ''Inadequate Testing to Detect Failures of Safety-Related Pneumatic Components or Systems''; June 1986.	ML031220684.
NRC Information Notice 1985–084, ''Inadequate Inservice Testing of Main Steam Isolation Valves,'' October 1985.	ML031180213.
NRC Information Notice 1996–048, ''Motor-Operated Valve Performance Issues,'' August 1996	ML031060093.
NRC Information Notice 1996–048, Supplement 1, ''Motor-Operated Valve Performance Issues,'' July 1998.	ML031050431.
NRC Information Notice 1998–13, ''Post-Refueling Outage Reactor Pressure Vessel Leakage Testing Before Core Criticality,'' April 1998.	ML031050237.
NRC Information Notice 2014–07, ''Degradation of Leak-Chase Channel Systems for Floor Welds of Metal Containment Shell and Concrete Containment Metallic Liner,'' May 2014.	ML14070A114.
NRC Information Notice 2015–13, ''Main Steam Isolation Valve Failure Events,'' December 2015 ...	ML15252A122.
NRC Inspection Report 50–254/97027, March 1998	ML15216A276.
NUREG–0800, Section 5.4.2.2, Revision 1, ''Steam Generator Tube Inservice Inspection,'' July 1981.	ML052340627.
NUREG–0800, Section 5.4.2.2, Revision 2, ''Steam Generator Program,'' March 2007	ML070380194.
NRC Regulatory Guide 1.83, Revision 1, ''Inservice Inspection of Pressurized Water Reactor Steam Generator Tubes,'' July 1975 (withdrawn in 2009).	ML003740256.
RG 1.147, ''Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1,'' Revision 19.	ML19128A244.
NUREG/CR–7153, ''Expanded Materials Degradation Assessment (EMDA),'' October 2014	ML14279A321. ML14279A461. ML14279A349. ML14279A430. ML14279A331.
NUREG–0619, Rev. 1, ''BWR Feedwater Nozzle and Control Rod Drive Return Line Nozzle Cracking: Resolution of Generic Technical Activity A–10 (Technical Report),'' November 1980.	ML031600712.
NUREG–1801, Rev. 2, ''Generic Aging Lessons Learned (GALL) Report,'' December 2010	ML103490041.
NUREG–1800, Rev. 2, ''Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants,'' December 2010.	ML103490036.
NUREG–2191, ''Generic Aging Lessons Learned for Subsequent License Renewal (GALL–SLR) Report,'' July 2017.	ML17187A031. ML17187A204.
NUREG–1950, ''Disposition of Public Comments and Technical Bases for Changes in the License Renewal Guidance Documents NUREG–1801 and NUREG–1800,'' April 2011.	ML11116A062.
NUREG/CR–6933, ''Assessment of Crack Detection in Heavy-Walled Cast Stainless Steel Piping Welds Using Advanced Low-Frequency Ultrasonic Methods,'' March 2007.	ML071020410. ML071020414.
NUREG/CR–7122, ''An Evaluation of Ultrasonic Phased Array Testing for Cast Austenitic Stainless Steel Pressurizer Surge Line Piping Welds,'' March 2012.	ML12087A004.
NUREG–2192, ''Standard Review Plan for Review of Subsequent License Renewal Applications for Nuclear Power Plants,'' July 2017.	ML17188A158.
Gupta KK, Hoffmann CL, Hamilton AM, DeLose F. Fracture Toughness of Pressure Boundary Steels With Higher Yield Strength. ASME. ASME Pressure Vessels and Piping Conference, *ASME 2010 Pressure Vessels and Piping Conference: Volume 7* ():45–58. doi:10.1115/PVP2010–25214.	*http://proceedings.asmedigitalcollection.asme.org/proceeding.aspx?articleid=1619041.*

List of Subjects in 10 CFR Part 50

Administrative practice and procedure, Antitrust, Backfitting, Classified information, Criminal penalties, Education, Fire prevention, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalties, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements, Whistleblowing.

For the reasons set forth in the preamble, and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 50:

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

■ 1. The authority citation for part 50 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 101, 102, 103, 104, 105, 108, 122, 147, 149, 161, 181, 182, 183, 184, 185, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2131, 2132, 2133, 2134, 2135, 2138, 2152, 2167, 2169, 2201, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 306 (42 U.S.C. 10226); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note; Sec. 109, Public Law 96–295, 94 Stat. 783.

■ 2. In § 50.55a:
■ a. In paragraph (a)(1)(i), remove the phrase ''(referred to herein as ASME BPV Code)'';
■ b. In paragraph (a)(1)(i)(E)(*16*), remove the word ''and'';
■ c. In paragraph (a)(1)(i)(E)(*17*), at the end of the sentence, remove the period and add in its place a comma;
■ d. Add paragraphs (a)(1)(i)(E)(*18*) and (*19*);
■ e. In paragraph (a)(1)(ii) introductory text, remove ''BPV Code'' and add in its place ''Boiler and Pressure Vessel Code'';
■ f. Revise paragraphs (a)(1)(ii)(C)(*52*) and (*53*);
■ g. Add paragraphs (a)(1)(ii)(C)(*54*) and (*55*);
■ h. Revise paragraphs (a)(1)(iii)(C) and (D);
■ i. In paragraph (a)(1)(iv) introductory text, remove the phrase ''(various edition titles referred to herein as ASME OM Code)'';
■ j. Revise paragraph (a)(1)(iv)(C)(*1*);
■ k. In paragraphs (a)(3)(i) through (iii), wherever it appears remove the phrase ''March 2017'' and add in its place the phrase ''October 2019'';
■ l. Add paragraph (a)(4);
■ m. In paragraph (b)(1) introductory text, remove the number ''2013'' and add in its place the number ''2017'';
■ n. In paragraph (b)(1)(ii), in Table I, remove the number ''2013'' in the last entry in the ''Editions and addenda'' column and add in its place the number ''2017'', and remove the word ''Note'' wherever it appears in the ''Code provision'' column and add in its place the word ''Footnote'';
■ o. In paragraph (b)(1)(iii) introductory text, remove the phrase ''2008 Addenda'' wherever it appears and add in its place the phrase ''2017 Edition'';
■ p. Revise paragraph (b)(1)(v);
■ q. In paragraph (b)(1)(vi), remove the phrase ''the latest edition and addenda'' and add in its place the phrase ''all editions and addenda up to and including the 2013 Edition'';
■ r. In paragraph (b)(1)(vii), remove the phrase ''the 2013 Edition'' and add in its place the phrase ''all editions and addenda up to and including the 2017 Edition'';
■ s. Add paragraphs (b)(1)(x) through (xii);
■ t. In paragraph (b)(2) introductory text, remove the number ''2013'' and add in its place the number ''2017'';
■ u. Remove and reserve paragraphs (b)(2)(vi) and (vii);
■ v. Revise paragraph (b)(2)(ix) introductory text;
■ w. Add paragraph (b)(2)(ix)(K);
■ x. Remove and reserve paragraph (b)(2)(xvii);
■ y. In paragraph (b)(2)(xviii)(D), remove the phrase ''and 2013 Edition of Section XI of the ASME BPV Code'' and add in its place the phrase ''through the latest edition incorporated by reference in paragraph (a)(1)(ii) of this section'';
■ z. Revise paragraph (b)(2)(xx)(B);
■ aa. Add paragraph (b)(2)(xx)(C);
■ bb. Remove and reserve paragraph (b)(2)(xxi)(A);
■ cc. Add paragraph (b)(2)(xxi)(B);
■ dd. Revise paragraphs (b)(2)(xxv), (xxvi), and (xxxii) and (b)(2)(xxxiv) introductory text;
■ ee. In paragraph (b)(2)(xxxiv)(B) add the phrase ''of the 2013 and the 2015 Editions'' after the phrase ''Appendix U'';
■ ff. Revise paragraph (b)(2)(xxxv);
■ gg. In paragraph (b)(2)(xxxvi), remove the word ''Edition'' and add in its place the phrase ''through 2017 Editions'';
■ hh. Add paragraphs (b)(2)(xxxviii) through (xlii);
■ ii. In paragraph (b)(3) introductory text, add ''IV,'' after ''III,'', remove the phrase ''2012 Edition, as specified'' and add in its place the phrase ''latest edition and addenda of the ASME OM Code incorporated by reference'' and revise the last sentence in the paragraph;
■ jj. In paragraph (b)(3)(ii) introductory text, remove the phrase '', 2011 Addenda, and 2012 Edition'' and add in its place the phrase ''through the latest edition and addenda of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section'';
■ kk. Revise paragraph (b)(3)(iv) introductory text;
■ ll. Remove paragraphs (b)(3)(iv)(A) through (D);
■ mm. In paragraph (b)(3)(viii), remove the phrase '', 2011 Addenda, or 2012 Edition'' and add in its place the phrase ''through the latest edition and addenda of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section'';
■ nn. Revise paragraphs (b)(3)(ix) and (xi);
■ oo. In paragraphs (f)(4)(i) and (ii), remove the number ''12'' wherever it appears and add in its place the number ''18'';
■ pp. In paragraph (g)(4) introductory text, remove the phrase '', subject to the condition listed in paragraph (b)(2)(vi) of this section'';
■ qq. In paragraph (g)(4)(i), remove the number ''12'' wherever it appears and add in its place the number ''18'', and revise the last sentence;
■ rr. In paragraph (g)(4)(ii), in the first sentence, remove the number ''12'' and add in its place the number ''18''; remove the date ''August 17, 2017'' wherever it appears and add in its place ''June 3, 2020'', and revise the last sentence;
■ ss. Remove and reserve paragraph (g)(6)(ii)(C);
■ tt. Revise paragraphs (g)(6)(ii)(D)(*1*), (*2*) and (*4*);
■ uu. Add paragraphs (g)(6)(ii)(D)(5) through (8);
■ vv. Revise paragraphs (g)(6)(ii)(F)(*1*) and (*2*);
■ ww. Remove and reserve paragraph (g)(6)(ii)(F)(*3*);
■ xx. Revise paragraphs (g)(6)(ii)(F)(*4*), (*6*), (*9*), and (*10*);
■ yy. Remove and reserve paragraph (g)(6)(ii)(F)(*11*);
■ zz. Revise paragraph (g)(6)(ii)(F)(*13*); and
■ aaa. Add paragraphs (g)(6)(ii)(F)(*14*) through (*16*).

The revisions and additions read as follows:

§ 50.55a Codes and standards.

(a) * * *

(1) * * *

(i) * * *

(E) * * *

(*18*) 2015 Edition (including Subsection NCA; and Division 1 subsections NB through NH and Appendices), and

(*19*) 2017 Edition (including Subsection NCA; and Division 1 subsections NB through NG and Appendices).

* * * * *

(ii) * * *

(C) * * *

(*52*) 2011a Addenda,

(*53*) 2013 Edition,

(*54*) 2015 Edition, and

(*55*) 2017 Edition.

* * * * *

(iii) * * *

(C) *ASME BPV Code Case N–729–6.* ASME BPV Code Case N–729–6, ''Alternative Examination Requirements for PWR Reactor Vessel Upper Heads With Nozzles Having Pressure-Retaining Partial-Penetration Welds Section XI, Division 1'' (Approval Date: March 3, 2016), with the conditions in paragraph (g)(6)(ii)(D) of this section.

(D) *ASME BPV Code Case N–770–5.* ASME BPV Code Case N–770–5, ''Alternative Examination Requirements and Acceptance Standards for Class 1 PWR Piping and Vessel Nozzle Butt Welds Fabricated with UNS N06082 or UNS W86182 Weld Filler Material With or Without Application of Listed Mitigation Activities Section XI, Division 1'' (Approval Date: November 7, 2016), with the conditions in paragraph (g)(6)(ii)(F) of this section.

* * * * *

(iv) * * *

(C) *Operation and Maintenance of Nuclear Power Plants:*

(*1*) 2012 Edition, ''Division 1: OM Code: Section IST''

(*2*) 2015 Edition, and

(*3*) 2017 Edition.

* * * * *

(4) Electric Power Research Institute, Materials Reliability Program, 3420 Hillview Avenue, Palo Alto, CA 94304–1338; telephone: 1–650–855–2000; *http://www.epri.com.*

(i) ''Materials Reliability Program: Topical Report for Primary Water Stress Corrosion Cracking Mitigation by Surface Stress Improvement (MRP–335, Revision 3–A)'', EPRI approval date: November 2016.

(ii) [Reserved]

* * * * *

(b) * * *

(1) * * *

(v) *Section III condition: Independence of inspection.* Applicants or licensees may not apply the exception in NCA–4134.10(a) of Section III, 1995 Edition through 2009b Addenda of the 2007 Edition, from paragraph 3.1 of Supplement 10S–1 of NQA–1–1994 Edition.

* * * * *

(x) *Section III Condition: Visual examination of bolts, studs and nuts.* Applicants or licensees applying the provisions of NB–2582, NC–2582, ND–2582, NE–2582, NF–2582, NG–2582 in the 2017 Edition of Section III, must apply paragraphs (b)(1)(x)(A) through (B) of this section.

(A) *Visual examination of bolts, studs, and nuts: First provision.* When applying the provisions of NB–2582, NC–2582, ND–2582, NE–2582, NF–2582, NG–2582 in the 2017 Edition of Section III, the visual examinations are required to be performed in accordance with procedures qualified to NB–5100, NC–5100, ND–5100, NE–5100, NF–5100, NG–5100 and performed by personnel qualified in accordance with NB–5500, NC–5500, ND–5500, NE–5500, NF–5500, and NG–5500.

(B) Visual examination of bolts, studs, and nuts: Second provision. When applying the provisions of NB–2582, NC–2582, ND–2582, NE–2582, NF–2582, and NG–2582 in the 2017 Edition of Section III, bolts, studs, and nuts must be visually examined for discontinuities including cracks, bursts, seams, folds, thread lap, voids, and tool marks.

(xi) *Section III condition: Mandatory Appendix XXVI.* When applying the 2015 and 2017 Editions of Section III, Mandatory Appendix XXVI, ''Rules for Construction of Class 3 Buried Polyethylene Pressure Piping,'' applicants or licensees must meet the following conditions:

(A) *Mandatory Appendix XXVI: First provision.* When performing fusing procedure qualification testing in accordance with XXVI–2300 and XXVI–4330 the following essential variables must be used for the performance qualification tests of butt fusion joints:

(*1*) Joint Type: A change in the type of joint from that qualified, except that a square butt joint qualifies as a mitered joint.

(*2*) Pipe Surface Alignment: A change in the pipe outside diameter (O.D.) surface misalignment of more than 10 percent of the wall thickness of the thinner member to be fused.

(*3*) PE Material: Each lot of polyethylene source material to be used in production (XXVI–2310(c)).

(*4*) Wall Thickness: Each thickness to be fused in production (XXVI–2310(c)).

(*5*) Diameter: Each diameter to be fused in production (XXVI–2310(c)).

(*6*) Cross-sectional Area: Each combination of thickness and diameter (XXVI–2310(c)).

(*7*) Position: Maximum machine carriage slope when greater than 20 degrees from horizontal (XXVI–4321(c)).

(*8*) Heater Surface Temperature: A change in the heater surface temperature to a value beyond the range tested (XXVI–2321).

(*9*) Ambient Temperature: A change in ambient temperature to less than 50 °F (10 °C) or greater than 125 °F (52 °C) (XXVI–4412(b)).

(*10*) Interfacial Pressure: A change in interfacial pressure to a value beyond the range tested (XXVI–2321).

(*11*) Decrease in Melt Bead Width: A decrease in melt bead size from that qualified.

(*12*) Increase in Heater Removal Time: An increase in heater plate removal time from that qualified.

(*13*) Decrease in Cool-down Time: A decrease in the cooling time at pressure from that qualified.

(*14*) Fusing Machine Carriage Model: A change in the fusing machine carriage model from that tested (XXVI–2310(d)).

(B) *Mandatory Appendix XXVI: Second provision.* When performing procedure qualification for high speed tensile impact testing of butt fusion joints in accordance with XXVI–2300 or XXVI–4330, breaks in the specimen that are away from the fusion zone must be retested. When performing fusing operator qualification bend tests of butt fusion joints in accordance with XXVI–4342, guided side bend testing must be used for all thicknesses greater than 1.25 inches.

(C) *Mandatory Appendix XXVI: Third provision.* When performing fusing procedure qualification tests in accordance with 2017 Edition of BPV Code Section III XXVI–2300 and XXVI–4330, the following essential variables must be used for the testing of electrofusion joints:

(*1*) Joint Design: A change in the design of an electrofusion joint.

(*2*) Fit-up Gap: An increase in the maximum radial fit-up gap qualified.

(*3*) Pipe PE Material: A change in the PE designation or cell classification of the pipe from that tested (XXVI–2322(a)).

(*4*) Fitting PE Material: A change in the manufacturing facility or production lot from that tested (XXVI–2322(b)).

(*5*) Pipe Wall Thickness: Each thickness to be fused in production (XXVI–2310(c)).

(*6*) Fitting Manufacturer: A change in fitting manufacturer.

(*7*) Pipe Diameter: Each diameter to be fused in production (XXVI–2310(c)).

(*8*) Cool-down Time: A decrease in the cool time at pressure from that qualified.

(*9*) Fusion Voltage: A change in fusion voltage.

(*10*) Nominal Fusion Time: A change in the nominal fusion time.

(*11*) Material Temperature Range: A change in material fusing temperature beyond the range qualified.

(*12*) Power Supply: A change in the make or model of electrofusion control box (XXVI–2310(f)).

(*13*) Power Cord: A change in power cord material, length, or diameter that reduces current at the coil to below the minimum qualified.

(*14*) Processor: A change in the manufacturer or model number of the processor. (XXVI–2310(f)).

(*15*) Saddle Clamp: A change in the type of saddle clamp.

(*16*) Scraping Device: A change from a clean peeling scraping tool to any other type of tool.

(xii) *Section III condition: Certifying Engineer.* When applying the 2017 and later editions of ASME BPV Code Section III, the NRC does not permit applicants and licensees to use a Certifying Engineer who is not a Registered Professional Engineer qualified in accordance with paragraph XXIII–1222 for Code-related activities that are applicable to U.S. nuclear facilities regulated by the NRC. The use of paragraph XXIII–1223 is prohibited.

(2) * * *

(ix) *Section XI condition: Metal containment examinations.* Applicants or licensees applying Subsection IWE, 1992 Edition with the 1992 Addenda, or the 1995 Edition with the 1996 Addenda, must satisfy the requirements of paragraphs (b)(2)(ix)(A) through (E)

and (b)(2)(ix)(K) of this section. Applicants or licensees applying Subsection IWE, 1998 Edition through the 2001 Edition with the 2003 Addenda, must satisfy the requirements of paragraphs (b)(2)(ix)(A) and (B) and (b)(2)(ix)(F) through (I) and (b)(2)(ix)(K) of this section. Applicants or licensees applying Subsection IWE, 2004 Edition, up to and including the 2005 Addenda, must satisfy the requirements of paragraphs (b)(2)(ix)(A) and (B) and (b)(2)(ix)(F) through (H) and (b)(2)(ix)(K) of this section. Applicants or licensees applying Subsection IWE, 2004 Edition with the 2006 Addenda, must satisfy the requirements of paragraphs (b)(2)(ix)(A)(2) and (b)(2)(ix)(B) and (b)(2)(ix)(K) of this section. Applicants or licensees applying Subsection IWE, 2007 Edition through the 2015 Edition, must satisfy the requirements of paragraphs (b)(2)(ix)(A)(2) and (b)(2)(ix)(B) and (J) and (K) of this section. Applicants or licensees applying Subsection IWE, 2017 Edition, must satisfy the requirements of paragraphs (b)(2)(ix)(A)(2) and (b)(2)(ix)(B) and (J) of this section.

* * * * *

(K) *Metal Containment Examinations: Eleventh provision.* A general visual examination of containment leak chase channel moisture barriers must be performed once each interval, in accordance with the completion percentages in Table IWE 2411–1 of the 2017 Edition. Examination shall include the moisture barrier materials (caulking, gaskets, coatings, etc.) that prevent water from accessing the embedded containment liner within the leak chase channel system. Caps of stub tubes extending to or above the concrete floor interface may be inspected, provided the configuration of the cap functions as a moisture barrier as described previously. Leak chase channel system closures need not be disassembled for performance of examinations if the moisture barrier material is clearly visible without disassembly, or coatings are intact. The closures are acceptable if no damage or degradation exists that would allow intrusion of moisture against inaccessible surfaces of the metal containment shell or liner within the leak chase channel system. Examinations that identify flaws or relevant conditions shall be extended in accordance with paragraph IWE 2430 of the 2017 Edition.

(xx) * * *

(B) *System leakage tests: Second provision.* The nondestructive examination method and acceptance criteria of the 1992 Edition or later of Section III shall be met when performing system leakage tests (in lieu of a hydrostatic test) in accordance with IWA–4520 after repair and replacement activities performed by welding or brazing on a pressure retaining boundary using the 2003 Addenda through the latest edition and addenda of Section XI incorporated by reference in paragraph (a)(1)(ii) of this section. The nondestructive examination and pressure testing may be performed using procedures and personnel meeting the requirements of the licensee's/applicant's current ISI code of record.

(C) *System leakage tests: Third provision.* The use of the provisions for an alternative BWR pressure test at reduced pressure to satisfy IWA–4540 requirements as described in IWA–5213(b)(2), IWB–5210(c) and IWB–5221(d) of Section XI, 2017 Edition may be used subject to the following conditions:

(*1*) The use of nuclear heat to conduct the BWR Class 1 system leakage test is prohibited (*i.e.,* the reactor must be in a non-critical state), except during refueling outages in which the ASME Section XI Category B–P pressure test has already been performed, or at the end of mid-cycle maintenance outages fourteen (14) days or less in duration.

(*2*) In lieu of the test condition holding time of IWA–5213(b)(2), after pressurization to test conditions, and before the visual examinations commence, the holding time shall be 1 hour for non-insulated components.

* * * * *

(xxi) * * *

(B) *Table IWB–2500–1 examination.* Use of the provisions of IWB–2500(f) and (g) and Table IWB–2500–1 Notes 6 and 7 of the 2017 Edition of ASME Section XI for examination of Examination Category B–D Item Numbers B3.90 and B3.100 shall be subject to the following conditions:

(*1*) A plant-specific evaluation demonstrating the criteria of IWB–2500(f) are met must be maintained in accordance with IWA–1400(l).

(*2*) The use of the provisions of IWB–2500(f) and Table IWB–2500–1 Note 6 for examination of Examination Category B–D Item Numbers B3.90 is prohibited for plants with renewed licenses in accordance with 10 CFR part 54.

(*3*) The provisions of IWB–2500(g) and Table IWB–2500–1 Notes 6 and 7 for examination of Examination Category B–D Item Numbers B3.90 and B3.100 shall not be used to eliminate the preservice or inservice volumetric examination of plants with a Combined Operating License pursuant to 10 CFR part 52, or a plant that receives its operating license after October 22, 2015.

* * * * *

(xxv) *Section XI condition: Mitigation of defects by modification.* Use of the provisions of IWA–4340 shall be subject to the following conditions:

(A) *Mitigation of defects by modification: First provision.* The use of the provisions for mitigation of defects by modification in IWA–4340 of Section XI 2001 Edition through the 2010 Addenda, is prohibited.

(B) *Mitigation of defects by modification: Second provision.* The provisions for mitigation of defects by modification in IWA–4340 of Section XI 2011 Edition through the 2017 Edition may be used subject to the following conditions:

(*1*) The use of the provisions in IWA 4340 to mitigate crack-like defects or those associated with flow accelerated corrosion are prohibited.

(*2*) The design of a modification that mitigates a defect shall incorporate a loss of material rate either 2 times the actual measured corrosion rate in that pipe location (established based on wall thickness measurements conducted at least twice in two prior consecutive or nonconsecutive refueling outage cycles in the 10 year period prior to installation of the modification), or 4 times the estimated maximum corrosion rate for the piping system.

(*3*) The licensee shall perform a wall thickness examination in the vicinity of the modification and relevant pipe base metal. Except as provided in paragraphs (b)(2)(xxv)(B)(*3*)(*i*) and (*ii*), the examination must be performed during each refueling outage cycle to detect propagation of the defect into the material credited for structural integrity of the item unless the examinations in the two refueling outage cycles subsequent to the installation of the modification are capable of validating the projected flaw growth. Where the projected flaw growth has been validated, the modification must be examined at half its expected life or once per interval, whichever is smaller.

(*i*) For buried pipe locations where the loss of material has occurred due to internal corrosion, the refueling outage interval wall thickness examinations may be conducted at a different location in the same system as long as: Wall thickness measurements were conducted at the different location at the same time as installation of the modification; the flow rate is the same or higher at the different location; the piping configuration is the same (*e.g.,* straight run of pipe, elbow, tee), and if pitting occurred at the modification

location, but not the different location, wall loss values must be multiplied by four. Where wall loss values are greater than that assumed during the design of the modification, the structural integrity of the modification shall be reanalyzed. Additionally, if the extent of degradation is different (*i.e.,* through wall, percent wall loss plus or minus 25 percent) or the corrosion mechanism (*e.g.,* general, pitting) is not the same at the different location as at the modification location, the modification must be examined at half its expected life or 10 years, whichever is smaller.

(*ii*) For buried pipe locations where loss of material has occurred due to external corrosion, the modification must be examined at half its expected life or 10 years, whichever is smaller.

(xxvi) *Section XI condition: Pressure testing Class 1, 2, and 3 mechanical joints.* When using the 2001 Edition through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section, licensees shall pressure test in accordance with IWA–5211(a) mechanical joints in Class 1, 2, and 3 piping and components greater than NPS–1 which are disassembled and reassembled during the performance of a Section XI repair/replacement activity requiring documentation on a Form NIS–2. The system pressure test and NDE examiners shall meet the requirements of the licensee's/applicant's current ISI code of record.

* * * * *

(xxxii) *Section XI condition: Summary report submittal.* When using ASME BPV Code, Section XI, 2010 Edition through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section, Summary Reports and Owner's Activity Reports described in IWA–6230 must be submitted to the NRC. Preservice inspection reports for examinations prior to commercial service shall be submitted prior to the date of placement of the unit into commercial service. For preservice and inservice examinations performed following placement of the unit into commercial service, reports shall be submitted within 90 calendar days of the completion of each refueling outage.

* * * * *

(xxxiv) *Section XI condition: Nonmandatory Appendix U.* When using Nonmandatory Appendix U of the ASME BPV Code, Section XI, 2013 Edition through the latest edition incorporated by reference in paragraph (a)(1)(ii) of this section, the following conditions apply:

* * * * *

(xxxv) *Section XI condition: Use of RT_{T0} in the K_{Ia} and K_{Ic} equations.*

(A) When using the 2013 Edition of the ASME BPV Code, Section XI, Appendix A, paragraph A–4200, if T_0 is available, then RT_{T0} may be used in place of RT_{NDT} for applications using the K_{Ic} equation and the associated K_{Ic} curve, but not for applications using the K_{Ia} equation and the associated K_{Ia} curve.

(B) When using the 2015 Edition of the ASME BPV Code, Section XI, Appendix A, paragraph A–4200 subparagraph (c) RT_{KIa} shall be defined as $RT_{KIa} = T_0 + 90.267 \exp(-0.003406T_0)$ for U.S. Customary Units.

* * * * *

(xxxviii) Section XI condition: ASME Code Section XI Appendix III Supplement 2. Licensees applying the provisions of ASME Code Section XI Appendix III Supplement 2, ''Welds in Cast Austenitic Materials,'' are subject to the following conditions:

(A) ASME Code Section XI Appendix III Supplement 2: First provision. In lieu of Paragraph (c)(1)(–c)(–2), licensees shall use a search unit with a center frequency of 500 kHz with a tolerance of +/− 20 percent.

(B) ASME Code Section XI Appendix III Supplement 2: Second provision. In lieu of Paragraph (c)(1)(–d), the search unit shall produce angles including, but not limited to, 30 to 55 degrees with a maximum increment of 5 degrees.

(xxxix) *Section XI condition: Defect Removal.* The use of the provisions for removal of defects by welding or brazing in IWA–4421(c)(1) and IWA–4421(c)(2) of Section XI, 2017 Edition may be used subject to the following conditions:

(A) *Defect removal requirements: First provision.* The provisions of subparagraph IWA 4421(c)(1) shall not be used to contain or isolate a defective area without removal of the defect.

(B) *Defect removal requirements: Second provision.* The provisions of subparagraph IWA–4421(c)(2) shall not be used for crack-like defects.

(xl) *Section XI condition: Prohibitions on use of IWB–3510.4(b).* The use of ASME BPV Code, Section XI, 2017 Edition, Subparagraphs IWB–3510.4(b)(4) and IWB–3510.4(b)(5) is prohibited.

(xli) *Section XI condition: Preservice Volumetric and Surface Examinations Acceptance.* The use of the provisions for accepting flaws by analytical evaluation during preservice inspection in IWB–3112(a)(3) and IWC–3112(a)(3) of Section XI, 2013 Edition through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section is prohibited.

(xlii) *Section XI condition: Steam Generator Nozzle-to-Component welds and Reactor Vessel Nozzle-to-Component welds.* Licensees applying the provisions of Table IWB–2500–1, Examination Category B–F, Pressure Retaining Dissimilar Metal Welds in Vessel Nozzles, Item B5.11 (NPS 4 or Larger Nozzle-to-Component Butt Welds) of the 2013 Edition through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section and Item B5.71 (NPS 4 or Larger Nozzle-to-Component Butt Welds) of the 2011a Addenda through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section must also meet the following conditions:

(A) Ultrasonic examination procedures, equipment, and personnel shall be qualified by performance demonstration in accordance with Mandatory Appendix VIII.

(B) When applying the examination requirements of Figure IWB–2500–8, the volumetric examination volume shall be extended to include 100 percent of the weld volume, except as provided in paragraph (b)(2)(xlii)(B)(*1*) of this section:

(*1*) If the examination volume that can be obtained by performance demonstration qualified procedures is less than 100 percent of the weld volume, the licensee may ultrasonically examine the qualified volume and perform a flaw evaluation of the largest hypothetical crack that could exist in the volume not qualified for ultrasonic examination, subject to prior NRC authorization in accordance with paragraph (z) of this section.

(*2*) [Reserved]

(3) * * * When implementing the ASME OM Code, conditions are applicable only as specified in the following paragraphs:

* * * * *

(iv) *OM condition: Check valves (Appendix II).* Licensees applying Appendix II of the ASME OM Code, 2003 Addenda through the 2015 Edition, is acceptable for use with the following requirements. Trending and evaluation shall support the determination that the valve or group of valves is capable of performing its intended function(s) over the entire interval. At least one of the Appendix II condition monitoring activities for a valve group shall be performed on each valve of the group at approximate equal intervals not to exceed the maximum interval shown in the following table:

* * * * *

(ix) *OM condition: Subsection ISTF.* Licensees applying Subsection ISTF,

2012 Edition or 2015 Edition, shall satisfy the requirements of Mandatory Appendix V, ''Pump Periodic Verification Test Program,'' of the ASME OM Code in that edition. Subsection ISTF, 2011 Addenda, is prohibited for use.

* * * * *

(xi) *OM condition: Valve Position Indication.* When implementing paragraph ISTC–3700, ''Position Verification Testing,'' in the ASME OM Code, 2012 Edition through the latest edition and addenda of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section, licensees shall verify that valve operation is accurately indicated by supplementing valve position indicating lights with other indications, such as flow meters or other suitable instrumentation to provide assurance of proper obturator position for valves with remote position indication within the scope of Subsection ISTC including its mandatory appendices and their verification methods and frequencies.

* * * * *

(g) * * *

(4) * * *

(i) * * * Licensees using this option must also use the same edition and addenda of Appendix I, Subarticle I–3200, as Appendix VIII, including any applicable conditions listed in paragraph (b) of this section.

(ii) * * * Licensees using this option must also use the same edition and addenda of Appendix I, Subarticle I–3200, as Appendix VIII, including any applicable conditions listed in paragraph (b) of this section.

* * * * *

(6) * * *

(ii) * * *

(C) [Reserved]

(D) *Augmented ISI requirements: Reactor vessel head inspections*—(*1*) *Implementation.* Holders of operating licenses or combined licenses for pressurized-water reactors as of or after June 3, 2020 shall implement the requirements of ASME BPV Code Case N–729–6 instead of ASME BPV Code Case N–729–4, subject to the conditions specified in paragraphs (g)(6)(ii)(D)(*2*) through (*8*) of this section, by no later than one year after June 3, 2020. All previous NRC-approved alternatives from the requirements of paragraph (g)(6)(ii)(D) of this section remain valid.

(*2*) *Appendix I use.* If Appendix I is used, Section I–3000 must be implemented to define an alternative examination area or volume.

* * * * *

(*4*) *Surface exam acceptance criteria.* In addition to the requirements of paragraph 3132.1(b) of ASME BPV Code Case N–729–6, a component whose surface examination detects rounded indications greater than allowed in paragraph NB–5352 in size on the partial-penetration or associated fillet weld shall be classified as having an unacceptable indication and corrected in accordance with the provisions of paragraph 3132.2 of ASME BPV Code Case N–729–6.

(*5*) *Peening.* In lieu of inspection requirements of Table 1, Items B4.50 and B4.60, and all other requirements in ASME BPV Code Case N–729–6 pertaining to peening, in order for a RPV upper head with nozzles and associated J-groove welds mitigated by peening to obtain examination relief from the requirements of Table 1 for unmitigated heads, peening must meet the performance criteria, qualification, and examination requirements stated in MRP–335, Revision 3–A, with the exception that a plant-specific alternative request is not required and NRC condition 5.4 of MRP–335, Revision 3–A does not apply.

(*6*) *Baseline Examinations.* In lieu of the requirements for Note 7(c) the baseline volumetric and surface examination for plants with a RPV Head with less than 8 EDY shall be performed by 2.25 reinspection years (RIY) after initial startup not to exceed 8 years.

(*7*) *Sister Plants.* Note 10 of ASME BPV Code Case N–729–6 shall not be implemented without prior NRC approval.

(*8*) *Volumetric Leak Path.* In lieu of paragraph 3200(b) requirement for a surface examination of the partial penetration weld, a volumetric leak path assessment of the nozzle may be performed in accordance with Note 6 of Table 1 of N–729–6.

* * * * *

(F) *Augmented ISI requirements: Examination requirements for Class 1 piping and nozzle dissimilar-metal butt welds*—(*1*) *Implementation.* Holders of operating licenses or combined licenses for pressurized-water reactors as of or after June 3, 2020, shall implement the requirements of ASME BPV Code Case N–770–5 instead of ASME BPV Code Case N–770–2, subject to the conditions specified in paragraphs (g)(6)(ii)(F)(*2*) through (*16*) of this section, by no later than one year after June 3, 2020. All NRC authorized alternatives from previous versions of paragraph (g)(6)(ii)(F) of this section remain applicable.

(*2*) *Categorization.* (*i*) Welds that have been mitigated by the Mechanical Stress Improvement Process (MSIP™) may be categorized as Inspection Items D or E, as appropriate, provided the criteria in Appendix I of the code case have been met.

(*ii*) In order to be categorized as peened welds, in lieu of inspection category L requirements and examinations, welds must meet the performance criteria, qualification and examination requirements as stated by MRP–335, Revision 3–A, with the exception that no plant-specific alternative is required.

(*iii*) Other mitigated welds shall be identified as the appropriate inspection item of the NRC authorized alternative or NRC-approved code case for the mitigation type in Regulatory Guide 1.147.

(*iv*) All other butt welds that rely on Alloy 82/182 for structural integrity shall be categorized as Inspection Items A–1, A–2, B–1 or B–2, as appropriate.

(*v*) Paragraph -1100(e) of ASME BPV Code Case N–770–5 shall not be used to exempt welds that rely on Alloy 82/182 for structural integrity from any requirement of this section.

* * * * *

(*4*) *Examination coverage.* When implementing Paragraph -2500(a) of ASME BPV Code Case N–770–5, essentially 100 percent of the required volumetric examination coverage shall be obtained, including greater than 90 percent of the volumetric examination coverage for circumferential flaws. Licensees are prohibited from using Paragraphs -2500(c) and -2500(d) of ASME BPV Code Case N–770–5 to meet examination requirements.

* * * * *

(*6*) *Reporting requirements.* The licensee will promptly notify the NRC regarding any volumetric examination of a mitigated weld that detects growth of existing flaws in the required examination volume that exceed the previous IWB–3600 flaw evaluations, new flaws, or any indication in the weld overlay or excavate and weld repair material characterized as stress corrosion cracking. Additionally, the licensee will submit to the NRC a report summarizing the evaluation, along with inputs, methodologies, assumptions, and causes of the new flaw or flaw growth within 30 days following plant startup.

* * * * *

(*9*) *Deferrals.* (*i*) The initial inservice volumetric examination of optimized weld overlays, Inspection Item C–2, shall not be deferred.

(*ii*) Volumetric inspection of peened dissimilar metal butt welds shall not be deferred.

(*iii*) For Inspection Item M–2, N–1 and N–2 welds, the second required

inservice volumetric examination shall not be deferred.

(*10*) *Examination technique.* Note 14(b) of Table 1 and Note (b) of Figure 5(a) of ASME BPV Code Case N–770–5 may only be implemented if the requirements of Note 14(a) of Table 1 of ASME BPV Code Case N–770–5 cannot be met.

* * * * *

(*13*) *Encoded ultrasonic examination.* Ultrasonic examinations of non-mitigated or cracked mitigated dissimilar metal butt welds in the reactor coolant pressure boundary must be performed in accordance with the requirements of Table 1 for Inspection Item A–1, A–2, B–1, B–2, E, F–2, J, K, N–1, N–2 and O. Essentially 100 percent of the required inspection volume shall be examined using an encoded method.

(*14*) *Excavate and weld repair cold leg.* For cold leg temperature M–2, N–1 and N–2 welds, initial volumetric inspection after application of an excavate and weld repair (EWR) shall be performed during the second refueling outage.

(*15*) *Cracked excavate and weld repair.* In lieu of the examination requirements for cracked welds with 360 excavate and weld repairs, Inspection Item N–1 of Table 1, welds shall be examined during the first or second refueling outage following EWR. Examination volumes that show no indication of crack growth or new cracking shall be examined once each inspection interval thereafter.

(*16*) *Partial arc excavate and weld repair.* Inspection Item O cannot be used without NRC review and approval.

* * * * *

Dated this 15th day of April, 2020.

For the Nuclear Regulatory Commission.

Ho K. Nieh,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2020–08855 Filed 5–1–20; 8:45 am]

BILLING CODE 7590–01–P

FEDERAL REGISTER

Vol. 85 Monday,

No. 86 May 4, 2020

Part III

The President

Proclamation 10016—Asian American and Pacific Islander Heritage Month, 2020

Proclamation 10017—Jewish American Heritage Month, 2020

Proclamation 10018—Law Day, U.S.A., 2020

Executive Order 13919—Ordering the Selected Reserve of the Armed Forces to Active Duty

Federal Register
Vol. 85, No. 86
Monday, May 4, 2020

Presidential Documents

Title 3—

The President

Proclamation 10016 of April 29, 2020

Asian American and Pacific Islander Heritage Month, 2020

By the President of the United States of America

A Proclamation

Throughout our Nation's history, Americans of Asian and Pacific Islander descent have made significant contributions to every aspect of our society, from business and politics to literature and the arts. Their accomplishments have enriched our Nation and stand as a testament to the power of the American Dream. During Asian American and Pacific Islander Heritage Month, we celebrate the indelible mark these individuals have left on our culture and pay tribute to the myriad ways in which they continue to strengthen our Nation.

One story among many that exemplifies the values of intelligence, hard work, and determination that Asian Americans and Pacific Islanders have contributed to our Nation is that of An Wang, a Chinese American and pioneer in electronics engineering who helped shape the tech revolution during the latter half of the 20th century as an entrepreneur and innovator. An exceptionally skilled inventor and forward-thinking businessman, Wang held 40 patents and founded Wang Laboratories, one of the most successful American technology companies during the 1980s. Wang Laboratories' products became essential equipment in offices throughout the United States, helping bolster a thriving American economy. Wang also generously gave back to his community, donating his time and resources to the arts, hospitals, higher education, and cultural institutions.

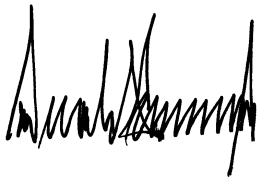
The United States also remains committed to strengthening our ongoing relationships with our Asian and Pacific partners. Last year, I was proud to stand alongside Indian Prime Minister Narendra Modi at an event in Houston, Texas, and earlier this year I made my first official visit to India as a demonstration of our Nation's enduring friendship with one of the world's largest and most diverse countries. During this historic visit, I had the honor of speaking about the importance of the relationship between our two countries before more than 110,000 Indian citizens. The visit also reaffirmed that India and the United States are committed to building a comprehensive global strategic partnership grounded in shared interests and common purpose, benefitting both of our countries.

This month, we recognize the more than 20 million Americans of Asian and Pacific Islander descent who make irreplaceable contributions to our Nation's economy, security, and culture. We are especially grateful for those who have served and are currently serving in our Armed Forces, and those serving their communities as first responders. Together, we will continue to live out the promise of our founding and build a better future for all Americans.

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 May 2020 as Asian American and Pacific Islander Heritage Month. The Congress, by Public Law 102–450, as amended, has also designated the month of May each year as ''Asian/Pacific American Heritage Month.'' I encourage all Americans to learn more about those of Asian American, Native Hawaiian, and Pacific

Islander heritage and to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth 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.



[FR Doc. 2020–09642
Filed 5–1–20; 11:15 am]
Billing code 3295–F0–P

Presidential Documents

Proclamation 10017 of April 29, 2020

Jewish American Heritage Month, 2020

By the President of the United States of America

A Proclamation

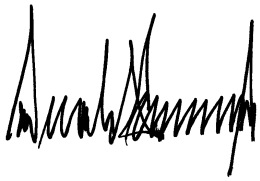
In 1654, the first Jewish settlers arrived in New Amsterdam, present day New York City, seeking the freedom to practice their faith. In the centuries since, Jewish Americans have contributed in countless ways to our country's culture and character. From the arts and sciences to business and public service, nearly every facet of our society has benefitted from the talent, inspiration, vision, expertise, ingenuity, and sacrifice of Jewish Americans. We honor their spirit and resiliency during Jewish American Heritage Month and celebrate the myriad of ways they enrich our country and the world.

Throughout history, the Jewish people have demonstrated an unbreakable spirit, overcoming suffering, cruel oppression, violence, and bigotry. Tragically, Jewish men, women, and children continue to face anti-Semitic discrimination, persecution, and violence today, and Jewish institutions and places of worship remain targets of vandalism and destruction. Our country has wept too many times in the aftermaths of horrific attacks, including last April when a murderer opened fire in a synagogue in Poway, California, taking innocent life and shattering families in a cowardly display of evil. Such unconscionable acts are an abomination to all decent and compassionate people. Hatred is intolerable and has no place in our hearts or in our society. We must therefore vigorously confront anti-Semitic discrimination and violence against members of the Jewish community. That is why I signed an Executive Order last December, bolstering my Administration's efforts to combat the rise of anti-Semitism in the United States and build a culture of respect, humanity, and equality.

This month, we reaffirm our commitment to never compromise our steadfast support for the Jewish community, our rejection of anti-Semitic bigotry, and our disdain for malicious attacks of hatred. Jewish Americans strengthen, sustain, and inspire our country through dedication to family, respect for cherished traditions, and commitment to the values of justice and equality that unite Americans of every faith and background. We give thanks for the profound contributions that Jewish Americans continue to make to our society, and way of life.

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 May 2020 as Jewish American Heritage Month. I call upon Americans to celebrate the heritage and contributions of American Jews and to observe this month with appropriate programs, activities, and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth 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.



[FR Doc. 2020–09643
Filed 5–1–20; 11:15 am]
Billing code 3295–F0–P

Presidential Documents

Proclamation 10018 of April 29, 2020

Law Day, U.S.A., 2020

By the President of the United States of America

A Proclamation

More than 230 years ago, the Founding Fathers of our Nation crafted a revolutionary and unique form of Government rooted in the rule of law. Today, we continue to enjoy liberty, justice, and equality under the law as set forth and preserved in our Constitution. On Law Day, we celebrate the distinctive framework of our system of Government, which secures individual liberties and protects against arbitrary exercise of government power so that all citizens have the right and the freedom to pursue their American Dream.

In arguing for the ratification of our Constitution, James Madison wisely recognized that in a government ''administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.'' The Framers understood the inherent dangers of consolidated government power and that, in order for our Republic to survive, the power to make, execute, and interpret laws could not be vested in one individual or one institution. They knew that ''ambition must be made to counteract ambition,'' and accordingly devised an arrangement whereby separate and coequal branches share the power of the Federal Government, each limiting and checking the prerogatives of the others. They also created a system of enumerated powers for the Federal Government, reserving all other powers to the States. In doing so, the Framers limited the powers of the Federal Government and preserved a place of prominence for State and local lawmaking, which they rightly believed to be more responsive to the unique needs of each community.

This year also marks both the 150th anniversary of the ratification of the 15th Amendment, which prohibited denial of the right to vote based on race, color, or previous condition of servitude, and the 100th anniversary of the ratification of the 19th Amendment, which prohibited denial of the right to vote based on sex. The women and men who fought to win a voice for people of color and women in the electoral process strengthened our Union and helped the country better fulfill the founding promise of our Nation—that the power to enact and enforce laws be truly derived ''from the consent of the governed.'' As we mark these milestones, we pay tribute to the courageous spirit of the trailblazers who made this achievement possible, and take inspiration from their righteous struggle as we continue working to root out and destroy injustice.

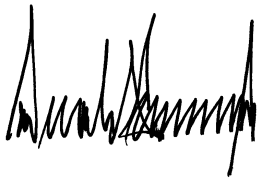
We know that our Republic can continue to shine as a beacon of liberty only if Americans diligently defend our Constitution and ensure that its limits are strongly enforced. My Administration has sought to simplify and streamline America's statutory and regulatory code, checking encroachments by government on individual liberty and unleashing the spirit of genius and innovation that has made America the freest and most prosperous country in the world. Furthermore, one of my top priorities as President has been to nominate and appoint judges who are faithful to the proper role of the judiciary—to interpret the law, not to make it. In all of these efforts, we aim to ensure that the Government can continue to perform

its fundamental responsibility to the American people, articulated in the Preamble of the Constitution, to ''secure the blessings of liberty to ourselves and our posterity.''

On this Law Day, I urge all Americans to honor our shared inheritance of respect for the principles of the rule of law, limited government, and individual liberty. Let us rededicate ourselves to remaining ever vigilant in defending our rights secured by the Constitution so that our experiment in self-government continues in perpetuity.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, in accordance with Public Law 87–20, as amended, do hereby proclaim May 1, 2020, as Law Day, U.S.A. I urge all Americans, including government officials, to observe this day by reflecting upon the importance of the rule of law in our Nation and displaying the flag of the United States in support of this national observance; and I especially urge the legal profession, the press, and the radio, television, and media industries to promote and to participate in the observance of this day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth 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.



[FR Doc. 2020–09644
Filed 5–1–20; 11:15 am]
Billing code 3295–F0–P

Presidential Documents

Executive Order 13919 of April 30, 2020

Ordering the Selected Reserve of the Armed Forces to Active Duty

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 12304 of title 10, United States Code, and having determined that it is necessary to augment the regular Armed Forces of the United States for a named operational mission, specifically the ''Enhanced Department of Defense Counternarcotic Operation in the Western Hemisphere,'' I hereby order as follows:

Section 1. *Activation Authority.* The Secretary of Defense is directed to order to active duty for not more than 365 consecutive days, any units, and any individual members not assigned to a unit organized to serve as a unit, of the Selected Reserve under the jurisdiction of the Secretary of Defense, not to exceed 200 Selected Reservists at any one time, as he considers necessary.

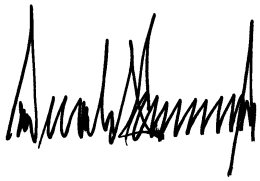
Sec. 2. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
April 30, 2020.

[FR Doc. 2020–09645
Filed 5–1–20; 11:15 am]
Billing code 3295–F0–P

FEDERAL REGISTER

Vol. 85 Monday,

No. 86 May 4, 2020

Part IV

The President

Executive Order 13920—Securing the United States Bulk-Power System

Federal Register
Vol. 85, No. 86
Monday, May 4, 2020

Presidential Documents

Title 3—

The President

Executive Order 13920 of May 1, 2020

Securing the United States Bulk-Power System

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, find that foreign adversaries are increasingly creating and exploiting vulnerabilities in the United States bulk-power system, which provides the electricity that supports our national defense, vital emergency services, critical infrastructure, economy, and way of life. The bulk-power system is a target of those seeking to commit malicious acts against the United States and its people, including malicious cyber activities, because a successful attack on our bulk-power system would present significant risks to our economy, human health and safety, and would render the United States less capable of acting in defense of itself and its allies. I further find that the unrestricted acquisition or use in the United States of bulk-power system electric equipment designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of foreign adversaries augments the ability of foreign adversaries to create and exploit vulnerabilities in bulk-power system electric equipment, with potentially catastrophic effects. I therefore determine that the unrestricted foreign supply of bulk-power system electric equipment constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, which has its source in whole or in substantial part outside the United States. This threat exists both in the case of individual acquisitions and when acquisitions are considered as a class. Although maintaining an open investment climate in bulk-power system electric equipment, and in the United States economy more generally, is important for the overall growth and prosperity of the United States, such openness must be balanced with the need to protect our Nation against a critical national security threat. To address this threat, additional steps are required to protect the security, integrity, and reliability of bulk-power system electric equipment used in the United States. In light of these findings, I hereby declare a national emergency with respect to the threat to the United States bulk-power system.

Accordingly, I hereby order:

Section 1. *Prohibitions and Implementation.* (a) The following actions are prohibited: any acquisition, importation, transfer, or installation of any bulk-power system electric equipment (transaction) by any person, or with respect to any property, subject to the jurisdiction of the United States, where the transaction involves any property in which any foreign country or a national thereof has any interest (including through an interest in a contract for the provision of the equipment), where the transaction was initiated after the date of this order, and where the Secretary of Energy (Secretary), in coordination with the Director of the Office of Management and Budget and in consultation with the Secretary of Defense, the Secretary of Homeland Security, the Director of National Intelligence, and, as appropriate, the heads of other executive departments and agencies (agencies), has determined that:

(i) the transaction involves bulk-power system electric equipment designed, developed, manufactured, or supplied, by persons owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary; and

(ii) the transaction:

(A) poses an undue risk of sabotage to or subversion of the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of the bulk-power system in the United States;

(B) poses an undue risk of catastrophic effects on the security or resiliency of United States critical infrastructure or the economy of the United States; or

(C) otherwise poses an unacceptable risk to the national security of the United States or the security and safety of United States persons.

(b) The Secretary, in consultation with the heads of other agencies as appropriate, may at the Secretary's discretion design or negotiate measures to mitigate concerns identified under section 1(a) of this order. Such measures may serve as a precondition to the approval by the Secretary of a transaction or of a class of transactions that would otherwise be prohibited pursuant to this order.

(c) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order.

(d) The Secretary, in consultation with the heads of other agencies as appropriate, may establish and publish criteria for recognizing particular equipment and particular vendors in the bulk-power system electric equipment market as pre-qualified for future transactions; and may apply these criteria to establish and publish a list of pre-qualified equipment and vendors. Nothing in this provision limits the Secretary's authority under this section to prohibit or otherwise regulate any transaction involving pre-qualified equipment or vendors.

Sec. 2. *Authorities.* (a) The Secretary is hereby authorized to take such actions, including directing the timing and manner of the cessation of pending and future transactions prohibited pursuant to section 1 of this order, adopting appropriate rules and regulations, and employing all other powers granted to the President by IEEPA as may be necessary to implement this order. The heads of all agencies, including the Board of Directors of the Tennessee Valley Authority, shall take all appropriate measures within their authority as appropriate and consistent with applicable law, to implement this order.

(b) Rules and regulations issued pursuant to this order may, among other things, determine that particular countries or persons are foreign adversaries exclusively for the purposes of this order; identify persons owned by, controlled by, or subject to the jurisdiction or direction of foreign adversaries exclusively for the purposes of this order; identify particular equipment or countries with respect to which transactions involving bulk-power system electric equipment warrant particular scrutiny under the provisions of this order; establish procedures to license transactions otherwise prohibited pursuant to this order; and identify a mechanism and relevant factors for the negotiation of agreements to mitigate concerns raised in connection with subsection 1(a) of this order. Within 150 days of the date of this order, the Secretary, in consultation with the Secretary of Defense, the Secretary of Homeland Security, the Director of National Intelligence, and, as appropriate, the heads of other agencies, shall publish rules or regulations implementing the authorities delegated to the Secretary by this order.

(c) The Secretary may, consistent with applicable law, redelegate any of the authorities conferred on the Secretary pursuant to this section within the Department of Energy.

(d) As soon as practicable, the Secretary, in consultation with the Secretary of Defense, the Secretary of the Interior, the Secretary of Homeland Security,

the Director of National Intelligence, the Board of Directors of the Tennessee Valley Authority, and the heads of such other agencies as the Secretary considers appropriate, shall:

(i) identify bulk-power system electric equipment designed, developed, manufactured, or supplied, by persons owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary that poses an undue risk of sabotage to or subversion of the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of the bulk-power system in the United States, poses an undue risk of catastrophic effects on the security or resiliency of United States critical infrastructure or the economy of the United States, or otherwise poses an unacceptable risk to the national security of the United States or the security and safety of United States persons; and

(ii) develop recommendations on ways to identify, isolate, monitor, or replace such items as soon as practicable, taking into consideration overall risk to the bulk-power system.

Sec. 3. *Task Force on Federal Energy Infrastructure Procurement Policies Related to National Security.* (a) There is hereby established a Task Force on Federal Energy Infrastructure Procurement Policies Related to National Security (Task Force), which shall work to protect the Nation from national security threats through the coordination of Federal Government procurement of energy infrastructure and the sharing of risk information and risk management practices to inform such procurement. The Task Force shall be chaired by the Secretary or the Secretary's designee.

(b) In addition to the Chair of the Task Force (Chair), the Task Force membership shall include the following heads of agencies, or their designees:

(i) the Secretary of Defense;

(ii) the Secretary of the Interior;

(iii) the Secretary of Commerce;

(iv) the Secretary of Homeland Security;

(v) the Director of National Intelligence;

(vi) the Director of the Office of Management and Budget; and

(vii) the head of any other agency that the Chair may designate in consultation with the Secretary of Defense and the Secretary of the Interior.

(c) The Task Force shall:

(i) develop a recommended consistent set of energy infrastructure procurement policies and procedures for agencies, to the extent consistent with law, to ensure that national security considerations are fully integrated across the Federal Government, and submit such recommendations to the Federal Acquisition Regulatory Council (FAR Council);

(ii) evaluate the methods and criteria used to incorporate national security considerations into energy security and cybersecurity policymaking;

(iii) consult with the Electricity Subsector Coordinating Council and the Oil and Natural Gas Subsector Coordinating Council in developing the recommendations and evaluation described in subsections (c)(i) through (ii) of this section; and

(iv) conduct any other studies, develop any other recommendations, and submit any such studies and recommendations to the President, as appropriate and as directed by the Secretary.

(d) The Department of Energy shall provide administrative support and funding for the Task Force, to the extent consistent with applicable law.

(e) The Task Force shall meet as required by the Chair and, unless extended by the Chair, shall terminate once it has accomplished the objectives set forth in subsection (c) of this section, as determined by the Chair, and completed the reports described in subsection (f) of this section.

(f) The Task Force shall submit to the President, through the Chair and the Director of the Office of Management and Budget:

(i) a report within 1 year from the date of this order;

(ii) a subsequent report at least once annually thereafter while the Task Force remains in existence; and

(iii) such other reports as appropriate and as directed by the Chair.

(g) In the reports submitted under subsection (f) of this section, the Task Force shall summarize its progress, findings, and recommendations described in subsection (c) of this section.

(h) Because attacks on the bulk-power system can originate through the distribution system, the Task Force shall engage with distribution system industry groups, to the extent consistent with law and national security. Within 180 days of receiving the recommendations pursuant to subsection (c)(i) of this section, the FAR Council shall consider proposing for notice and public comment an amendment to the applicable provisions in the Federal Acquisition Regulation to implement the recommendations provided pursuant to subsection (c)(i) of this section.

Sec. 4. *Definitions.* For purposes of this order, the following definitions shall apply:

(a) The term ''bulk-power system'' means (i) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and (ii) electric energy from generation facilities needed to maintain transmission reliability. For the purpose of this order, this definition includes transmission lines rated at 69,000 volts (69 kV) or more, but does not include facilities used in the local distribution of electric energy.

(b) The term ''bulk-power system electric equipment'' means items used in bulk-power system substations, control rooms, or power generating stations, including reactors, capacitors, substation transformers, current coupling capacitors, large generators, backup generators, substation voltage regulators, shunt capacitor equipment, automatic circuit reclosers, instrument transformers, coupling capacity voltage transformers, protective relaying, metering equipment, high voltage circuit breakers, generation turbines, industrial control systems, distributed control systems, and safety instrumented systems. Items not included in the preceding list and that have broader application of use beyond the bulk-power system are outside the scope of this order.

(c) The term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

(d) The term ''foreign adversary'' means any foreign government or foreign non-government person engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or its allies or the security and safety of United States persons.

(e) The term ''person'' means an individual or entity.

(f) The term ''procurement'' means the acquiring by contract with appropriated funds of supplies or services, including installation services, by and for the use of the Federal Government, through purchase, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated.

(g) The term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 5. *Recurring and Final Reports to the Congress.* The Secretary is hereby authorized to submit recurring and final reports to the Congress regarding the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

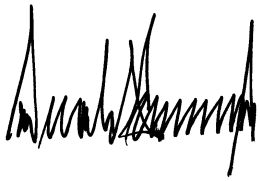
Sec. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
May 1, 2020.

[FR Doc. 2020–09695
Filed 5–1–20; 2:30 pm]
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Federal Register

Vol. 85, No. 86

Monday, May 4, 2020

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