AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

# FEDERAL REGISTER

Vol. 85 Thursday,
No. 89 May 7, 2020

Pages 27105–27286

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.federalregister.gov.*

**The seal of the National Archives and Records Administration authenticates the Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.govinfo.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $860 plus postage, or $929, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

**How To Cite This Publication:** Use the volume number and the page number. Example: 85 FR 12345.

**Postmaster:** Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

## SUBSCRIPTIONS AND COPIES

**PUBLIC**

**Subscriptions:**

| | |
|---|---|
| Paper or fiche | **202–512–1800** |
| Assistance with public subscriptions | **202–512–1806** |

**General online information** **202–512–1530; 1–888–293–6498**

**Single copies/back copies:**

| | |
|---|---|
| Paper or fiche | **202–512–1800** |
| Assistance with public single copies | **1–866–512–1800 (Toll-Free)** |

**FEDERAL AGENCIES**

**Subscriptions:**

Assistance with Federal agency subscriptions:

| | |
|---|---|
| Email | *FRSubscriptions@nara.gov* |
| Phone | **202–741–6000** |

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: *https://www.gpo.gov/frsubs.*

Printed on recycled paper.

# Contents

**Federal Register**

Vol. 85, No. 89

Thursday, May 7, 2020

**Agency for Healthcare Research and Quality**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 27223–27226
Meetings:
Improving Management of Opioids and Opioid Use Disorder in Older Adults (R18), 27226

**Agricultural Marketing Service**
**RULES**
National Organic Program:
USDA Organic Regulations, 27105–27106
Suspension of Reserve Obligation and its Requirements:
Walnuts Grown in California, 27107–27109
**PROPOSED RULES**
Egg Research and Promotion; Reapportionment, 27163–27167
Establishment of Reporting Requirements and New Information Collection:
Oranges, Grapefruit, Tangerines, and Pummelos Grown in Florida, 27159–27163

**Agriculture Department**
*See* Agricultural Marketing Service
*See* Forest Service
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 27204

**Alcohol and Tobacco Tax and Trade Bureau**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 27272–27274

**Army Department**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 27211–27212

**Centers for Medicare & Medicaid Services**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 27226–27228

**Children and Families Administration**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Tribal Budget and Narrative Justification Template, 27228–27229

**Civil Rights Commission**
**NOTICES**
Meetings:
South Dakota Advisory Committee, 27205

**Commerce Department**
*See* Foreign-Trade Zones Board
*See* International Trade Administration
*See* National Oceanic and Atmospheric Administration

**Community Development Financial Institutions Fund**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 27274–27278

**Defense Department**
*See* Army Department
**RULES**
Indebtedness of Military Personnel, 27157
Service by Members of the Armed Forces on State and Local Juries, 27157–27158
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 27212–27213

**Drug Enforcement Administration**
**NOTICES**
Bulk Manufacturer of Controlled Substances Application:
Alcami Wisconsin Corporation, 27248
Purisys, LLC, 27245
Decision and Order:
Isaac J. Hearne, M.D., 27243–27245
Michael Thomas Watkins, M.D., 27246–27247
Importer of Controlled Substances Application:
Almac Clinical Services Inc, 27248
AndersonBrecon Inc. dba PCI of Illinois, 27248–27249
Novitium Pharma LLC, 27245–27246

**Education Department**
*See* National Assessment Governing Board
**NOTICES**
Applications for New Awards:
Ready to Learn Programming, 27214

**Employment and Training Administration**
**NOTICES**
Proposed Methodology to Distribute Outcome Payments to States for the Unemployment Insurance Reemployment Services and Eligibility Assessments Program, 27249–27251

**Energy Department**
*See* Federal Energy Regulatory Commission

**Environmental Protection Agency**
**NOTICES**
Designation of One New Equivalent Method:
Ambient Air Monitoring Reference and Equivalent Methods, 27221

**Farm Credit Administration**
**NOTICES**
Meetings; Sunshine Act, 27221–27222

**Federal Aviation Administration**
**RULES**
Airworthiness Directives:
Aermacchi S.p.A. Airplanes, 27109–27112
Yabora Industria Aeronautica S.A. (Type Certificate previously held by Embraer S.A.), 27112–27114
Revocation of Jet Route J–105 and Amendment of VOR Federal Airways V–15, V–63, V–272, and V–583:
Vicinity of McAlester, OK, 27114–27116

PROPOSED RULES
Airworthiness Directives:
Airbus SAS Airplanes, 27167–27170
Dassault Aviation Airplanes, 27170–27172
Amendment of Class D and E Airspace and Establishment of Class E Airspace:
Alton/St. Louis, IL, 27188–27189
Amendment of Class D and E Airspace:
Las Vegas, NV, 27180–27181
Amendment of Class E Airspace:
Athens, TX, 27176–27178
Decorah, IA, 27183–27184
Amendment of Class E airspace:
Kotzebue, AK, 27178–27180
Amendment of Class E Airspace:
Kountze/Silsbee, TX, 27184–27186
McGrath, AK, 27186–27187
Sitka, AK, 27172–27174
Amendment of the Class D and Class E Airspace and Revocation of Class E Airspace:
Erie and Corry, PA, 27174–27176
Amendment of the Class E Airspace:
Hazard, KY, 27189–27191
Establishment of Class E Airspace:
Ness City, KS, 27181–27183

**Federal Communications Commission**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 27222–27223

**Federal Deposit Insurance Corporation**
NOTICES
Termination of Receivership, 27223

**Federal Election Commission**
NOTICES
Meetings; Sunshine Act, 27223

**Federal Energy Regulatory Commission**
NOTICES
Application:
Green Island Power Authority and Albany Engineering Corporation, 27217–27218
Combined Filings, 27215–27216, 27218–27220
Filing:
San Diego Gas and Electric Company, 27215
Western Area Power Administration, 27220–27221
Meetings:
Midcontinent Independent System Operator, Inc., Technical Conference, 27216–27217

**Federal Motor Carrier Safety Administration**
NOTICES
Qualification of Drivers; Exemption Applications:
Epilepsy and Seizure Disorders, 27262–27264
Vision, 27264–27267

**Federal Trade Commission**
PROPOSED RULES
Semiannual Regulatory Agenda, 27191–27203

**Federal Transit Administration**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 27267–27268

**Fish and Wildlife Service**
NOTICES
Draft Categorical Exclusion and Draft Habitat Conservation Plan:
Dos Osos Reservoir Replacement Project, Contra Costa County, CA, 27236–27237
Endangered and Threatened Species:
Receipt of Recovery Permit Applications, 27237–27240

**Foreign-Trade Zones Board**
NOTICES
Proposed Production Activity:
Golden Pass LNG Terminal, LLC, Foreign-Trade Zone 116, Port Arthur, TX, 27206
Janssen Pharmaceuticals Inc., Foreign-Trade Zone 26, Atlanta, GA, 27205–27206

**Forest Service**
NOTICES
Meetings:
Ketchikan Resource Advisory Committee, 27204–27205

**Health and Human Services Department**
*See* Agency for Healthcare Research and Quality
*See* Centers for Medicare & Medicaid Services
*See* Children and Families Administration
*See* National Institutes of Health

**Homeland Security Department**
*See* U.S. Customs and Border Protection

**Housing and Urban Development Department**
RULES
Streamlining Administrative Regulations for Multifamily Housing Programs and Implementing Family Income Reviews under the Fixing America's Surface Transportation Act, 27133–27139
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Disaster Recovery Grant Reporting System, 27235–27236
Section 8 Moderate Rehabilitation Single Room Occupancy Program, 27234–27235

**Interior Department**
*See* Fish and Wildlife Service
*See* Land Management Bureau
*See* National Park Service
*See* Surface Mining Reclamation and Enforcement Office

**Internal Revenue Service**
NOTICES
Meetings:
Taxpayer Advocacy Panel Joint Committee, 27279
Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee, 27278–27279
Taxpayer Advocacy Panel Taxpayer Communications Project Committee, 27280
Taxpayer Advocacy Panel's Notices and Correspondence Project Committee, 27280
Taxpayer Advocacy Panel's Special Projects Committee, 27278
Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee, 27279
Taxpayer Advocacy Panel's Toll-Free Phone Line Project Committee, 27279

**International Trade Administration**
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Hot-Rolled Carbon Steel Flat Products from the People's Republic of China, 27208–27210
Chlorinated Isocyanurates from the People's Republic of China, 27207–27208
Oil Country Tubular Goods from Ukraine, 27206–27207

**International Trade Commission**
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Small Vertical Shaft Engines from China, 27243

**Justice Department**
*See* Drug Enforcement Administration

**Labor Department**
*See* Employment and Training Administration
NOTICES
Charter Renewal:
Labor Advisory Committee for Trade Negotiations and Trade Policy, 27251

**Land Management Bureau**
NOTICES
Plats of Survey:
Idaho, 27240

**National Assessment Governing Board**
NOTICES
Meetings, 27213–27214

**National Endowment for the Humanities**
NOTICES
Meetings:
National Council on the Humanities, 27251–27252

**National Foundation on the Arts and the Humanities**
*See* National Endowment for the Humanities

**National Institutes of Health**
NOTICES
Meetings:
Center for Scientific Review, 27229–27232
National Institute of Allergy and Infectious Diseases, 27230, 27232–27233
National Institute on Alcohol Abuse and Alcoholism, 27230

**National Oceanic and Atmospheric Administration**
RULES
Fisheries of the Exclusive Economic Zone off Alaska:
Pacific Cod by Catcher/Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area, 27158
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Vessel Monitoring System Requirements in Western Pacific Fisheries, 27210
Meetings:
Fisheries of the Gulf of Mexico and the South Atlantic; Southeast Data, Assessment, and Review, 27210–27211

**National Park Service**
NOTICES
National Register of Historic Places:
Notification of Pending Nominations and Related Actions, 27240–27241

**Pipeline and Hazardous Materials Safety Administration**
NOTICES
Hazardous Materials:
Actions on Special Permits, 27268–27269
Applications for Modifications to Special Permits, 27269–27270
Applications for New Special Permits, 27270–27272

**Postal Regulatory Commission**
NOTICES
Market Dominant Products, 27252–27253
New Postal Product, 27252

**Presidential Documents**
PROCLAMATIONS
Special Observances:
National Hurricane Preparedness Week (Proc. 10024), 27281–27284
Public Service Recognition Week (Proc. 10025), 27285–27286

**Securities and Exchange Commission**
RULES
Temporary Amendments to Regulation Crowdfunding, 27116–27133
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 27253–27254
Intention to Cancel Registration Pursuant to Section 203(h) of the Investment Advisers Act, 27258–27259
Self-Regulatory Organizations; Proposed Rule Changes:
Cboe BZX Exchange, Inc., 27254–27258
New York Stock Exchange LLC, 27259–27261

**Surface Mining Reclamation and Enforcement Office**
RULES
Regulatory Program:
West Virginia, 27139–27157
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Procedures and Criteria for Approval or Disproval of State Program Submissions, 27241–27242
Requirements for Surface Coal Mining and Reclamation Operations on Indian Lands, 27242–27243

**Trade Representative, Office of United States**
NOTICES
2020 Generalized System of Preferences Annual Review and the Deadline for Filing Petitions, 27261–27262

**Transportation Department**
*See* Federal Aviation Administration
*See* Federal Motor Carrier Safety Administration
*See* Federal Transit Administration
*See* Pipeline and Hazardous Materials Safety Administration

**Treasury Department**
*See* Alcohol and Tobacco Tax and Trade Bureau
*See* Community Development Financial Institutions Fund
*See* Internal Revenue Service

**U.S. Customs and Border Protection**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Temporary Scientific or Educational Purposes, 27233–27234

**Separate Parts In This Issue**

**Part II**
Presidential Documents, 27281–27286

**Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

## CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.


**3 CFR**

**Proclamations:**

10024 ..... 27283
10025 ..... 27285

**7 CFR**

205 ..... 27105
984 ..... 27107

**Proposed Rules:**

905 ..... 27159
1250 ..... 27163

**14 CFR**

39 (2 documents) ..... 27109, 27112
71 ..... 27114

**Proposed Rules:**

39 (2 documents) ..... 27167, 27170
71 (11 documents) ..... 27172, 27174, 27176, 27178, 27180, 27181, 27183, 27184, 27186, 27188, 27189

**16 CFR**

**Proposed Rules:**

Ch. 1 ..... 27191

**17 CFR**

227 ..... 27116
239 ..... 27116

**24 CFR**

5 ..... 27133
891 ..... 27133
960 ..... 27133
982 ..... 27133

**30 CFR**

948 ..... 27139

**32 CFR**

112 ..... 27157
144 ..... 27157

**50 CFR**

679 ..... 27158

# Rules and Regulations

Federal Register

Vol. 85, No. 89

Thursday, May 7, 2020

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 205

**[Document Number AMS–NOP–20–0002; NOP–20–01]**

## National Organic Program: USDA Organic Regulations

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** 2020 sunset review and substance renewals.

**SUMMARY:** This document announces the renewal of substances listed on the National List of Allowed and Prohibited Substances (National List) within the U.S. Department of Agriculture's (USDA) organic regulations. This document reflects the outcome of the 2020 sunset review process and addresses recommendations submitted to the Secretary of Agriculture (Secretary), through the USDA's Agricultural Marketing Service (AMS), by the National Organic Standards Board (NOSB).

**DATES:** This action is effective June 22, 2020.

**FOR FURTHER INFORMATION CONTACT:** Shannon Nally Yanessa, Standards Division, *Telephone:* (202) 720–3252; *Fax:* (202) 260–9151.

**SUPPLEMENTARY INFORMATION:**

### I. Background

USDA AMS administers the National Organic Program (NOP) under the authority of the Organic Foods Production Act of 1990 (OFPA), as amended (7 U.S.C. 6501–6524). The regulations implementing the NOP, also referred to as the USDA organic regulations (7 CFR part 205), were published on December 21, 2000 (65 FR 80548) and became effective on October 21, 2002. Through these regulations, AMS oversees national organic standards for the production, handling, and labeling of organically produced agricultural products. Since October 2002, the USDA organic regulations have been frequently amended, mostly for changes to the National List in 7 CFR 205.601 through 606.

The National List identifies the synthetic substances allowed to be used and the nonsynthetic substances prohibited from use in organic farming. The National List also identifies synthetic and nonsynthetic nonagricultural substances, and nonorganic agricultural substances that may be used in organic handling. The OFPA and USDA organic regulations specifically prohibit the use of any synthetic substance in organic production and handling unless an exemption for using the synthetic substance is provided on the National List. Section 205.105 of the USDA organic regulations also requires that any nonorganic agricultural substance and any nonagricultural substance used in organic handling be listed as allowed on the National List.

The OFPA at 7 U.S.C. 6518 authorizes the NOSB, operating in accordance with the Federal Advisory Committee Act (§ 1 *et seq.,* 5 U.S.C. App.2), to assist in evaluating substances to be allowed or prohibited for organic production and handling and to advise the Secretary on the USDA organic regulations. The OFPA sunset provision (7 U.S.C. 6517(e)) also requires a review of all substances included on the National List within five years of their addition to or renewal on the list. During this sunset review, the NOSB considers any new information pertaining to a substance's impact on human health and the environment, its necessity due to the unavailability of wholly natural substances, and its consistency with organic production and handling. The NOSB subsequently votes to remove a substance allowance or prohibition from the National List.

The Agricultural Improvement Act of 2018 amended the OFPA at 7 U.S.C. 6518(i)(2) to specify that any vote on a motion proposing to amend the National List requires ⅔ of the votes cast at a meeting of the NOSB at which a quorum is present to prevail. A substance remains listed on the National List unless an NOSB motion to remove that substance carries with ⅔ of votes cast, and the Secretary subsequently renews or amends the listing for the substance. The NOSB submits its sunset review and recommendations to the Secretary. As delegated by the Secretary, AMS evaluates the sunset review and recommendations for compliance with the National List substance evaluation criteria set forth in the OFPA at 7 U.S.C. 6518(m) and other federal statutes or regulations. AMS also considers public comments submitted in association with a specific sunset review process.

AMS published an updated sunset review process in the **Federal Register** on September 16, 2013 (78 FR 56811).[1] In accordance with the sunset review process, AMS published two notices in the **Federal Register** announcing the NOSB meetings on April 25–27, 2018, and October 24–26, 2018, and inviting public comments on the 2020 sunset review process (January 17, 2018 (83 FR 2373)[2] and August 9, 2018 (83 FR 39376)).[3] AMS also hosted two public webinars (April 17 and 19, 2018, and October 16 and 18, 2018) to provide additional opportunities for public comment. The NOSB received additional comment during the public meetings. At these public meetings, the NOSB reviewed substance listings scheduled to sunset from the National List and concluded that these listings should not be removed. Table 1 shows the current listings for these substances.

AMS has reviewed and accepted the NOSB's 2020 sunset review recommendations and is renewing the listings of these substances until 2025.[4] AMS has determined that the substance allowances listed in this notice continue to be necessary for organic production and/or organic handling because of the unavailability of organic forms or wholly natural substitutes for the specified uses (§ 6517(c)(1)(A)(ii)). The renewal of these substance allowances will avoid potential disruptions to the organic industry and consumers that may otherwise result from removal from the National List. AMS also has determined that the prohibited nonsynthetic substance listed in this

[1] *https://www.federalregister.gov/documents/2013/09/16/2013-22388/national-organic-program-sunset-process.*

[2] *https://www.federalregister.gov/documents/2018/01/17/2017-28170/meeting-of-the-national-organic-standards-board.*

[3] *https://www.federalregister.gov/documents/2018/08/09/2018-16386/meeting-of-the-national-organic-standards-board.*

[4] National List Sunset Dates, NOP 5611, *https://www.ams.usda.gov/sites/default/files/media/NOP-SunsetDates.pdf.*

notice should remain prohibited because use of this substance would be inconsistent with organic production (§ 6517(c)(2)(A)(ii)).

The NOSB also reviewed and subsequently recommended to the Secretary the removal of sucrose octanoate esters (§ 205.601 and § 205.603). AMS is reviewing the NOSB recommendations to remove this substance from the National List. Any removals from the National List would be addressed in a separate notice and comment rulemaking.

Table 1 lists the substance exemptions being renewed through this document. These specific substance allowances and prohibitions continue as listed on the National List with a new sunset date of June 22, 2025.

TABLE 1—NATIONAL LIST SUBSTANCES RENEWED IN 2020 SUNSET REVIEW

| Substance | Use conditions |
|---|---|
| § 205.601 Synthetic substances allowed for use in organic crop production. | |
| Alcohols: Ethanol, Isopropanol | As described under § 205.601(a)(1)(i) and (ii). |
| Sodium carbonate peroxyhydrate | As described under § 205.601(a)(8). |
| Mulches: Newspaper or other recycled paper, Plastic mulch and covers | As described under § 205.601(b)(2)(i) and (ii). |
| Compost feedstocks: Newspaper or other recycled paper | As described under § 205.601(c). |
| Insecticides: Aqueous potassium silicate, Elemental sulfur, Lime sulfur | As described under § 205.601(e)(2), (5) and (6). |
| Plant disease control: Aqueous potassium silicate, Hydrated lime, Lime sulfur, Elemental Sulfur. | As described under § 205.601(i)(1), (4), (6) and (10). |
| Plant or soil amendments: Elemental sulfur, Liquid fish products, Sulfurous acid. | As described under § 205.601(j)(2), (8) and (11). |
| Plant growth regulators: Ethylene gas | As described under § 205.601(k). |
| Production aids: Microcrystalline cheesewax | As described under § 205.601(o). |
| § 205.602 Nonsynthetic substances prohibited for use in organic crop production. | |
| Potassium chloride | As described under § 205.602(e). |
| § 205.603 Synthetic substances allowed for use in organic livestock production. | |
| Alcohols: Ethanol, Isopropanol | As described under § 205.603(a)(1)(i) and (ii). |
| Aspirin | As described under § 205.603(a)(2). |
| Biologics | As described under § 205.603(a)(4). |
| Electrolytes | As described under § 205.603(a)(11). |
| Glycerin | As described under § 205.603(a)(14). |
| Phosphoric acid | As described under § 205.603(a)(25). |
| Hydrated lime | As described under § 205.603(b)(6). |
| Mineral oil | As described under § 205.603(a)(7). |
| § 205.605 Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients or food group(s))". | |
| Calcium carbonate | As described under § 205.605(a). |
| Flavors | As described under § 205.605(a). |
| Gellan gum | As described under § 205.605(a). |
| Oxygen | As described under § 205.605(a). |
| Potassium chloride | As described under § 205.605(a). |
| Alginates | As described under § 205.605(b). |
| Calcium hydroxide | As described under § 205.605(b). |
| Ethylene | As described under § 205.605(b). |
| Glycerides | As described under § 205.605(b). |
| Magnesium stearate | As described under § 205.605(b). |
| Phosphoric acid | As described under § 205.605(b). |
| Potassium carbonate | As described under § 205.605(b). |
| Sulfur dioxide | As described under § 205.605(b). |
| Xanthan gum | As described under § 205.605(b). |
| § 205.606 Nonorganically produced agricultural products allowed as ingredients in or on processed products labeled as "organic." | |
| Fructooligosaccharides | As described under § 205.606(f). |
| Gums | As described under § 205.606(i). |
| Lecithin | As described under § 205.606(m). |
| Tragacanth gum | As described under § 205.606(t). |

**Authority:** 7 U.S.C. 6501–6524.

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2020–09007 Filed 5–6–20; 8:45 am]

BILLING CODE P

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Part 984**

**[Docket No. AMS–SC–19–0088; SC19–984–2 FR]**

## Walnuts Grown in California; Suspension of Reserve Obligation and Its Requirements

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule implements a recommendation from the California Walnut Board (Board) to suspend the reserve obligation and its requirements currently prescribed under the Federal marketing order for walnuts grown in California. This rule also removes references to the reserve obligation and its requirements.

**DATES:** Effective June 8, 2020.

**FOR FURTHER INFORMATION CONTACT:** Pushpinder Kumar, Marketing Specialist, or Terry Vawter, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (559) 487–5903, Fax: (559) 487–5906, or Email: *Pushpinder.Kumar@usda.gov* or *Terry.Vawter@usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@usda.gov.*

**SUPPLEMENTARY INFORMATION:** This final rule, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This final rule is issued under Marketing Order No.984, as amended (7 CFR part 984), regulating the handling of walnuts grown in California. Part 984 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Board locally administers the Order and is comprised of growers and handlers operating within California, and a public member.

The Department of Agriculture (USDA) is issuing this final rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this final rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This final rule suspends regulations related to reserve walnuts under the Order. Section 984.89(b)(2) states that the Secretary of Agriculture (Secretary) ''may terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.'' The current authority to establish a reserve obligation has not been used by the Board since the 1987–88 marketing year, when the Board began working toward increasing demand rather than controlling supply.

Section 984.21 defines ''handler inventory'' as ''all walnuts, inshell or shelled (except those held in satisfaction of a reserve obligation), wherever located, then held by a handler or for his or her account.''

Sections 984.23 and 984.26 define ''free'' and ''reserve'' walnuts, respectively; and § 984.33 defines ''hold,'' the action that requires handlers to maintain possession of the kernel weight of walnuts necessary to meet his or her reserve obligation.

The reserve obligation requirements in §§ 984.48 and 984.49 include provisions that require the Board recommend to the Secretary free, reserve, and export percentages of walnuts at the start of each marketing year (September 1). A recommendation for changes to the percentages must be made to the Secretary on or before February 15 of each marketing year, if such changes are prudent. The export percentages are reviewed by the Board's Export Committee, which is comprised of Board members who are industry experts in exporting walnuts.

Sections 984.49, 984.50, 984.51, 984.54, 984.56, 984.64, 984.66, 984.67, and 984.69 include establishing a free, reserve, and export percentage obligation; establishing minimum kernel content for any lot of walnuts acceptable for disposition for credit against a handler's reserve obligation; mandating inspection of walnuts; establishing the reserve obligation; instructions regarding the disposition of reserve and substandard walnuts; a requirement that the Board assist handlers in meeting their reserve obligation; various exemptions from the reserve obligation; and authorizing the Board to use funds derived from assessments to defray expenses related to reserve walnut pool expenses, respectively.

Sections 984.450, 984.456, and 984.464 establish requirements relative to grade and size, inspection, and disposition of reserve walnuts, respectively.

This suspension streamlines Board operations by eliminating the need for the Board's Export Committee to consider free, reserve, and export percentages at its meetings at the start of each marketing year.

The reserve obligation and its requirements are suspended but remain part of the Order until the Board makes a recommendation to reinstate or terminate them. This final rule also removes related references to the reserve obligation and its requirements. The Secretary reviewed any such recommendation by the Board.

This final rule suspends §§ 984.23, 984.26, 984.33, 984.49, 984.54, 984.56, 984.66, and 984.456 in their entirety.

This final rule amends §§ 984.21, 984.48, 984.50, 984.51, 984.64, 984.69, 984.450, 984.451, and 984.464 to remove references to the reserve obligation and its requirements.

This action requires no changes to any existing Board forms.

**Final Regulatory Flexibility Analysis**

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 90 handlers subject to regulation under the Order and approximately 5,000 walnut growers in the production area. The Small Business Administration (SBA) defines small agricultural service firms as those having annual receipts of less than $30,000,000, and small agricultural producers as those having annual receipts of less than $1,000,000 (13 CFR 121.201).

Based upon information from the National Agricultural Statistics Service (NASS), the price reported for July 2019 was $7,060 per ton ($3.53 per pound) of walnuts. Data from NASS indicate that the average walnut production is 1.93 tons per acre. Given that volume and price, a grower would have to farm at least 74 acres to receive $1,000,000, not accounting for input costs. NASS data on farm size indicate that only approximately 42 percent of walnut growers farm more than 74 acres. Thus, most walnut growers may be considered small entities.

Given data from the Board regarding walnut receipts by handlers, including walnut acquisitions and the $7,060 per ton price, only 38 percent of handlers would have annual receipts of $30,000,000. Thus, most walnut handlers may be considered small entities.

This action is expected to positively impact the Board, including members of the Export Committee, by suspending regulations that have not been used in decades. No longer having to gather data, discuss the information, and then make recommendations to the Secretary regarding a reserve obligation allows the Board's meeting early in the marketing year to run more efficiently.

This final rule suspends the reserve obligation and its requirements under the Order for the 2019–20 marketing year and beyond, until the Board recommends to the Secretary that the requirements be reinstated or terminated. This action also removes related references to the reserve obligation and its requirements in the Order.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this final rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

The Board discussed this action at a strategic planning session held on February 12–13, 2019. The Board's Marketing Order Review Committee (MORC) met on August 14, 2019, to further discuss the reserve obligation and its requirements and made a recommendation for the change at the Board's September 13, 2019 meeting. The strategic planning sessions, the MORC meeting, and the Board meeting on September 13, 2019, were public meetings widely publicized throughout the California walnut industry, and all interested persons were invited to attend the meetings and encouraged to participate in Board deliberations.

A proposed rule concerning this action was published in the **Federal Register** on January 22, 2020 (85 FR 3551). Copies of the proposed rule were provided to Board members and California walnut handlers. Additionally, the proposed rule was made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending February 21, 2020, was provided to allow interested persons to respond to the proposal. No comments were received. Accordingly, USDA makes no changes to the rule as proposed.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

**List of Subjects in 7 CFR Part 984**

Marketing agreements, Reporting and recordkeeping requirements, and Walnuts.

For the reasons set forth in the preamble, AMS amends 7 CFR part 984 as follows:

## PART 984—WALNUTS GROWN IN CALIFORNIA

■ 1. The authority citation for 7 CFR part 984 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Revise § 984.21 to read as follows:

**§ 984.21 Eligibility.**

*Handler inventory as of any date* means all walnuts, inshell or shelled, wherever located, then held by a handler or for his or her account.

**§ 984.23 [Stayed]**

■ 3. Stay § 984.23 indefinitely.

**§ 984.26 [Stayed]**

■ 4. Stay § 984.26 indefinitely.

**§ 984.33 [Stayed]**

■ 5. Stay § 984.33 indefinitely.

**§ 984.48 [Amended]**

■ 6. In § 984.48 stay paragraphs (a)(6) and (a)(7) indefinitely.

**§ 984.49 [Stayed]**

■ 7. Stay § 984.49 indefinitely.

**§ 984.50 [Stayed]**

■ 8. Stay § 984.50(e) indefinitely.

■ 9. Amend § 984.51 by revising paragraphs (a) and (c), to read as follows:

**§ 984.51 Inspection and certification of inshell and shelled walnuts.**

(a) Before or upon handling of any walnuts, each handler at his or her own expense shall cause such walnuts to be inspected to determine whether they meet the then-applicable grade and size regulations. Such inspection shall be performed by the inspection service or services designated by the Board with the approval of the Secretary; Provided, that if more than one inspection service is designated, the functions performed by each service shall be separate, and shall not duplicate each other. Handlers

shall obtain a certificate for each inspection and cause a copy of each certificate issued by the inspection service to be furnished to the Board. Each certificate shall show the identity of the handler, quantity of walnuts, the date of inspection, and for inshell walnuts, the grade and size of such walnuts as set forth in the United States Standards for Walnuts (Juglans regia) in the Shell. The Board, with the approval of the Secretary, may prescribe procedures for the administration of this provision.

* * * * *

(c) Upon inspection, walnuts shall be identified by tags, stamps, or other means of identification prescribed by the Board and affixed to the container by the handler under the supervision of the Board or of a designated inspector and such identification shall not be altered or removed except as directed by the Board. The assessment requirements in § 984.69 shall be incurred at the time of certification.

**§ 984.54 [Stayed]**

■ 10. Stay § 984.54 indefinitely.

**§ 984.56 [Stayed]**

■ 11. Stay § 984.56 indefinitely.

■ 12. Revise § 984.64 to read as follows:

**§ 984.64 Disposition of substandard walnuts.**

Substandard walnuts may be disposed of only for manufacture into oil, livestock feed, or such other uses as the Board determines to be noncompetitive with existing domestic and export markets for merchantable walnuts and with proper safeguards to prevent such walnuts from thereafter entering channels of trade in such markets. Each handler shall submit, in such form and at such intervals as the Board may determine, reports of (a) his production and holdings of substandard walnuts and (b) the disposition of all substandard walnuts to any other person, showing the quantity, lot, date, name and address of the person to whom delivered, the approved use and such other information pertaining thereto as the Board may specify.

**§ 984.66 [Stayed]**

■ 13. Stay § 984.66 indefinitely.

■ 14. In § 984.67 stay paragraph (a) indefinitely, and revise paragraph (b) to read as follows:

**§ 984.67 Exemptions.**

* * * * *

(b) *Exemptions from assessments and quality regulations*—(1) *Sales by growers direct to consumers.* Any walnut grower may handle walnuts of his production free of the regulatory and assessment provisions of this part if he sells such walnuts in the area of production directly to consumers under the following types of exemptions:

* * * * *

**§ 984.69 [Stayed]**

■ 15. Stay § 984.69(b) indefinitely.

**§ 984.450 [Amended]**

■ 16. In § 984.450 stay paragraphs (a) and (b) indefinitely.

**§ 984.451 [Amended]**

■ 17. In § 984.451 stay paragraph (c) indefinitely.

**§ 984.456 [Stayed]**

■ 18. Stay § 984.456 indefinitely.

**§ 984.464 [Amended]**

■ 19. In § 984.464 stay paragraph (a) indefinitely.

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2020–09160 Filed 5–6–20; 8:45 am]

BILLING CODE P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2020–0419; Product Identifier 2019–CE–029–AD; Amendment 39–21118; AD 2020–09–04]**

**RIN 2120–AA64**

## Airworthiness Directives; AERMACCHI S.p.A. Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for AERMACCHI S.p.A. Models F.260, F.260B, F.260C, F.260D, F.260E, and F.260F airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracks on the body of the flap actuators. The FAA is issuing this AD to require actions to address the unsafe condition on these products.

**DATES:** This AD is effective May 7, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 7, 2020.

The FAA must receive comments on this AD by June 22, 2020.

**ADDRESSES:** You may send comments 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Leonardo Aircraft, Piazza Monte Grappa n. 4, 00195 Rome, Italy; telephone: +39 06.324731; fax: +39.06.3208621; email: *in-service.configuration.ALA@leonardocompany.com* or *technicalassistance/ala@leonardocompany.com;* internet: *www.leonardocompany.com.* You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *https://www.regulations.gov* by searching for locating Docket No. FAA–2020–0419.

### 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–2020–0419; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

**Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2019–0119–E, dated May 29, 2019 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

During maintenance, cracks were found on the body of several flap actuators installed on F260 aeroplanes and held as spares. Investigation is ongoing to determine the root cause of the cracking.

This condition, if not detected and corrected, could lead to failure of the flap actuator, possibly resulting in reduced control of the aeroplane.

To address this potential unsafe condition, Leonardo, S.p.A. issued the [alert service bulletin] ASB to provide inspection instructions.

For the reason described above, this [EASA] AD requires inspections of the affect parts, and, depending on findings, replacement of an affected part with a serviceable part.

This [EASA] AD is considered an interim measure and further AD action may follow.

The EASA AD refers to Leonardo Aircraft, formerly Aermacchi S.p.A., as the design approval holder (DAH). The FAA type certificate holder of record for these models is AERMACCHI S.p.A. Therefore, this AD specifies AERMACCHI S.p.A. as the type certificate holder. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0419.

**Related Service Information Under 1 CFR Part 51**

The FAA reviewed Leonardo Aircraft Alert Service Bulletin No. 260SB–166, dated May 27, 2019. The service information contains procedures for inspecting the flap actuators, part numbers SF260–12–215–01, SF260–12–215–101, and SF260–12–215–09, for cracks and damage and taking necessary corrective action. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

**FAA's Determination and Requirements of This AD**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this AD because it evaluated all information provided by the State of Design Authority and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

**Interim Action**

The FAA considers this AD interim action. The MCAI requires an initial fluorescent dye penetrant inspection within a short compliance time and repetitive visual inspections thereafter every 100 hours time-in-service (TIS). This AD requires the initial fluorescent dye penetrant inspection. The FAA plans to issue a superseding Notice of proposed rulemaking for the longer-term repetitive visual inspections to provide the public an opportunity to comment. In addition, the inspection reports required by this AD will provide Leonardo Aircraft and the FAA better insight into the nature, cause, and extent of the cracking. If final action is identified to address the unsafe condition, the FAA may consider further rulemaking for this reason as well.

**FAA's Determination of the Effective Date**

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because cracks in the flap actuator could cause the flap actuator to fail and result in reduced control of the airplane. Therefore, the FAA finds good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reason stated above, the FAA finds that good cause exists for making this amendment effective in less than 30 days.

**Comments Invited**

This AD is a final rule that involves requirements affecting flight safety, and the FAA did not precede it by notice and opportunity for public comment. The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0419; Product Identifier 2019–CE–029–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this AD. The FAA will consider all comments received by the closing date and may amend this AD because of those comments.

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

**Costs of Compliance**

The FAA estimates that this AD will affect 54 products of U.S. registry. The FAA also estimates that it will take about 4 work-hours per product to comply with the fluorescent dye penetrant inspection requirement and 1 work-hour per product to comply with the reporting requirement of this AD. The average labor rate is $85 per work-hour.

Based on these figures, the FAA estimates the cost of the initial inspection and reporting requirement required in this AD on U.S. operators to be $22,950, or $425 per product.

In addition, the FAA estimates that any necessary follow-on actions will take about 8 work-hours and require parts costing $5,000, for a cost of $5,680 per product. The FAA has no way of determining the number of products that may need these actions.

**Paperwork Reduction Act**

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

**Authority for This Rulemaking**

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

detail the scope of the Agency's authority.

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

## Regulatory Flexibility Act

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

## Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

## List of Subjects in 14 CFR Part 39

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

## Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**2020–09–04 Aermacchi S.p.A.:** Amendment 39–21118; Docket No. FAA–2020–0419; Product Identifier 2019–CE–029–AD.

**(a) Effective Date**

This AD becomes effective May 7, 2020.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to AERMACCHI S.p.A. Models F.260, F.260B, F.260C, F.260D, F.260E, and F.260F airplanes, all serial numbers, certificated in any category.

**(d) Subject**

Air Transport Association of America (ATA) Code 27: Flight Controls.

**(e) Reason**

This AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as cracks on the body of the flap actuators. The FAA is issuing this AD to detect and correct cracks in the flap actuator, which could cause the flap actuator to fail. Failure of the flap actuator could result in reduced control of the airplane.

**(f) Definition**

For purposes of this AD, a serviceable part is a flap actuator part number (P/N) SF260–12–215–01, SF260–12–215–101, or SF260–12–215–09 that has:

(1) Accumulated less than 1,000 hours total time-in-service (TIS); or

(2) Passed the fluorescent dye penetrant inspection required by paragraph (g)(1) of this AD.

**(g) Actions and Compliance**

Unless already done, do the following actions in paragraphs (g)(1) through (3) of this AD:

(1) Within the compliance time listed in paragraph (g)(1)(i) or (ii), whichever occurs later, do a fluorescent dye penetrant inspection of the flap actuator, P/N SF260–12–215–01, P/N SF260–12–215–101, or P/N SF260–12–215–09, for cracks and damage by following Annex A of Leonardo Aircraft Alert Service Bulletin No. 260SB–166, dated May 27, 2019 (Leonardo ASB 260SB–166). If there is a crack or any damage, before further flight, remove the flap actuator from service and replace it with a serviceable part.

(i) Before the flap actuator accumulates 1,000 hours total TIS; or

(ii) Within 10 hours TIS after May 7, 2020 (the effective date of this AD) or with 30 days after May 7, 2020 (the effective date of this AD), whichever occurs first.

(2) Within 10 days after completing the inspection required by paragraph (g)(1) of this AD, report the results of the inspection to Leonardo Aircraft at the address listed in paragraph (k)(3) of this AD. Include the following information in the report: Flap actuator P/N, flap actuator serial number, hours TIS, batch number marks (if present) stamped on the body, the airplane serial number or registration (''N'') number, and a description of any cracks or damage found.

(3) As of May 7, 2020 (the effective date of this AD), do not install any flap actuator P/N SF260–12–215–01, SF260–12–215–101, or SF260–12–215–09 unless it is a serviceable part.

**(h) Alternative Methods of Compliance (AMOCs)**

The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

**(i) Paperwork Reduction Act Burden Statement**

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

**(j) Related Information**

Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2019–0199–E, dated May 29, 2019, for related information. You may examine the MCAI on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0419.

**(k) Material Incorporated by Reference**

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

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

(i) Leonardo Aircraft Alert Service Bulletin No. 260SB–166, dated May 27, 2019.

(ii) [Reserved]

(3) For service information identified in this AD, contact Leonardo Aircraft, Piazza Monte Grappa n. 4, 00195 Rome, Italy;

telephone: +39 06.324731; fax: +39.06.3208621; email: *in-service.configuration.ALA@leonardocompany.com* or *technicalassistance/ala@leonardocompany.com;* internet: *www.leonardocompany.com.*

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for locating Docket No. FAA–2020–0419.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on May 1, 2020.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2020–09730 Filed 5–6–20; 8:45 am]

**BILLING CODE 4910–13–P**

---

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2020–0340; Product Identifier 2019–NM–203–AD; Amendment 39–19903; AD 2020–08–11]**

**RIN 2120–AA64**

## Airworthiness Directives; Yaborã Indústria Aeronáutica S.A. (Type Certificate Previously Held by Embraer S.A.)

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all Yaborã Indústria Aeronáutica S.A. Model ERJ 190–300 and ERJ 190–400 airplanes. This AD was prompted by a failure propagation test, which revealed that when complete loss of the electrical digital current (DC) essential bus 2 was induced, the smoke detection system of the forward and aft electrical bays erroneously indicated the presence of smoke via the respective engine indication and crew alerting system (EICAS) messages. This AD requires revising the existing airplane flight manual (AFM) procedures associated with messages of smoke in the electronic bays presented on the EICAS, as specified in an Agência Nacional de Aviação Civil (ANAC) Brazilian AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD becomes effective May 22, 2020.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 22, 2020.

The FAA must receive comments on this AD by June 22, 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For the material incorporated by reference (IBR) in this AD, contact National Civil Aviation Agency, Aeronautical Products Certification Branch (GGCP), Rua Laurent Martins, n° 209, Jardim Esplanada, CEP 12242–431—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email *pac@anac.gov.br;* internet *www.anac.gov.br/en/.* You may find this IBR material on the ANAC website at *https://sistemas.anac.gov.br/certificacao/DA/DAE.asp.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0340.

### 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–2020–0340; 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, 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:** Krista Greer, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *krista.greer.@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Discussion

The ANAC, which is the aviation authority for Brazil, has issued Brazilian Emergency Airworthiness Directive (EAD) 2019–12–01, effective December 9, 2019 (''Brazilian EAD 2019–12–01'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Yaborã Indústria Aeronáutica S.A. Model ERJ 190–300 and ERJ 190–400 airplanes.

This AD was prompted by a failure propagation test, which revealed that when complete loss of the electrical DC essential bus 2 was induced, the smoke detection system of the forward and aft electrical bays erroneously indicated the presence of smoke via the respective EICAS messages. When these messages are displayed the existing AFM procedures require the flightcrew to turn off the essential electrical buses DC ESS BUS 1 and DC ESS BUS 3, which would result in a loss of all electrical DC essential buses, causing loss of electrical power for critical systems of the airplane.

The FAA is issuing this AD to provide the flightcrew with revised AFM procedures for responding to erroneous indications of smoke in the electrical bays presented on the EICAS. If the flightcrew followed the existing AFM procedures, it could result in a loss of all electrical DC essential buses, causing loss of electrical power for critical systems of the airplane. See the MCAI for additional background information.

### Related IBR Material Under 1 CFR Part 51

Brazilian EAD 2019–12–01 describes revisions to the existing AFM procedures associated with messages of smoke in the electronic bays presented on the EICAS.

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

### FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation

in the United States. Pursuant to the FAA's bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is issuing this AD after evaluating all pertinent information and determining the unsafe condition exists and is likely to exist or develop on other products of the same type design.

**Requirements of This AD**

This AD requires accomplishing the actions specified in Brazilian EAD 2019–12–01 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

**Explanation of Required Compliance Information**

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and the European Union Safety Agency (EASA) to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, ANAC Brazilian EAD 2019–12–01 is incorporated by reference in this final rule. This AD, therefore, requires compliance with ANAC Brazilian EAD 2019–12–01 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Service information specified in ANAC Brazilian EAD 2019–12–01 that is required for compliance with ANAC Brazilian EAD 2019–12–01 is available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0340.

**FAA's Justification and Determination of the Effective Date**

Since there are currently no domestic operators of these products, notice and opportunity for public comment before issuing this AD are unnecessary. In addition, for the reasons stated above, the FAA finds that good cause exists for making this amendment effective in less than 30 days.

**Regulatory Flexibility Act (RFA)**

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

**Comments Invited**

This AD is a final rule that involves requirements affecting flight safety, and the FAA did not precede it by notice and opportunity for public comment. The FAA invites you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0340; Product Identifier 2019–NM–203–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this AD. The FAA will consider all comments received by the closing date and may amend this AD based on those comments.

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

**Costs of Compliance**

Currently, there are no affected U.S.-registered airplanes. If an affected airplane is imported and placed on the U.S. Register in the future, the FAA provides the following cost estimates to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

| Labor cost | Parts cost | Cost per product |
|---|---|---|
| 1 work-hour × $85 per hour = $85 | $0 | $85 |

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

(2) Will not affect intrastate aviation in Alaska.

**List of Subjects in 14 CFR Part 39**

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

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

**2020–08–11 Yaborã Indústria Aeronáutica S.A. (Type Certificate previously held by Embraer S.A.):** Amendment 39–19903; Docket No. FAA–2020–0340; Product Identifier 2019–NM–203–AD.

**(a) Effective Date**

This AD becomes effective May 22, 2020.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to all Yaborã Indústria Aeronáutica S. A. (Type Certificate previously held by Embraer S.A.) Model ERJ 190–300 and ERJ 190–400 airplanes, certificated in any category.

**(d) Subject**

Air Transport Association (ATA) of America Code 24, Electrical power.

**(e) Reason**

This AD was prompted by a failure propagation test, which revealed that when complete loss of the electrical digital current (DC) essential bus 2 was induced the smoke detection system of the forward and aft electrical bays erroneously indicated the presence of smoke via the respective engine indication and crew alerting system (EICAS) messages. The FAA is issuing this AD to provide the flightcrew with revised airplane flight manual (AFM) procedures for responding to erroneous indications of smoke in the electrical bays presented on the EICAS. If the flightcrew followed the existing AFM procedures, it could result in a loss of all electrical DC essential buses, causing loss of electrical power for critical systems of the airplane.

**(f) Compliance**

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

**(g) Requirements**

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Agência Nacional de Aviação Civil (ANAC) Brazilian Emergency Airworthiness Directive (EAD) 2019–12–01, effective December 9, 2019 (''Brazilian EAD 2019–12–01'').

**(h) Exceptions to Brazilian EAD 2019–12–01**

(1) Where Brazilian EAD 2019–12–01 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Alternative method of compliance (AMOC)'' section of Brazilian EAD 2019–12–01 does not apply to this AD.

**(i) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation 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 Large Aircraft Section, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or ANAC; or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

**(j) Related Information**

For more information about this AD, contact Krista Greer, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *krista.greer.@faa.gov.*

**(k) Material Incorporated by Reference**

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

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

(i) Agência Nacional de Aviação Civil National Civil Aviation Agency (ANAC) Brazilian Emergency Airworthiness Directive (EAD) 2019–12–01, effective December 9, 2019.

(ii) [Reserved]

(3) For information about ANAC Brazilian EAD 2019–12–01, contact National Civil Aviation Agency, Aeronautical Products Certification Branch (GGCP), Rua Laurent Martins, n° 209, Jardim Esplanada, CEP 12242–431—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email *pac@anac.gov.br;* internet *www.anac.gov.br/en/.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0340.

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

Issued on April 23, 2020.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2020–09633 Filed 5–6–20; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2020–0010; Airspace Docket No. 17–ASW–18]**

**RIN 2120–AA66**

# Revocation of Jet Route J–105 and Amendment of VOR Federal Airways V–15, V–63, V–272, and V–583 in the Vicinity of McAlester, OK

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action removes Jet Route J–105 and amends VHF Omnidirectional Range (VOR) Federal airways V–15, V–63, V–272, and V–583 in the vicinity of McAlester, OK. The modifications are necessary due to the planned decommissioning of the VOR portion of the McAlester, OK, VOR/Tactical Air Navigation (VORTAC) navigation aid (NAVAID), which provides navigation guidance for portions of the affected air traffic service (ATS) routes. The McAlester VOR is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

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

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

**FOR FURTHER INFORMATION CONTACT:** Colby Abbott, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

**History**

The FAA published a notice of proposed rulemaking (NPRM) for Docket No. FAA–2020–0010 in the **Federal Register** (85 FR 3301; January 21, 2020), removing Jet Route J–105 and amending VOR Federal airways V–15, V–63, V–272, and V–583 in the vicinity of McAlester, OK, due to the planned decommissioning of the VOR portion of the McAlester, OK, VORTAC. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Subsequent to the NPRM, the FAA published a rule for Docket No. FAA–2018–0817 in the **Federal Register** (85 FR 3814; January 23, 2020), amending VOR Federal airway V–15 by removing the airway segment between the Hobby, TX, VOR/DME and the Navasota, TX, VOR/DME. That airway amendment, effective March 26, 2020, is included in this rule.

Jet Routes are published in paragraph 2004 and VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.11D dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Jet Route and VOR Federal airways listed in this document will be subsequently published in the Order.

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

**Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Rule**

The FAA is amending Title 14 Code of Federal Regulations (14 CFR) part 71 by removing Jet Route J–105 and modifying VOR Federal airways V–15, V–63, V–272, and V–583. The planned decommissioning of the VOR portion of the McAlester, OK, VORTAC NAVAID has made this action necessary. The Jet Route and VOR Federal airway changes are outlined below.

*J–105:* J–105 extends between the Ranger, TX, VORTAC and the Badger, WI, VOR/DME. The jet route is removed in its entirety.

*V–15:* V–15 extends between the Navasota, TX, VOR/DME and the Neosho, MO, VOR/DME; and between the Sioux City, IA, VORTAC and the Minot, ND, VOR/DME. The airway segment overlying the McAlester, OK, VORTAC between the Bonham, TX, VORTAC and the Okmulgee, OK, VOR/DME is removed. The unaffected portions of the existing airway remain as charted.

*V–63:* V–63 extends between the Bowie, TX, VORTAC and the Oshkosh, WI, VORTAC; and between the Wausau, WI, VORTAC and the Houghton, MI, VOR/DME. The airway segment overlying the McAlester, OK, VORTAC between the Texoma, OK, VOR/DME and the Razorback, AR, VORTAC is removed. The unaffected portions of the existing airway remain as charted.

*V–272:* V–272 extends between the Dalhart, TX, VORTAC and the Fort Smith, AR, VORTAC. The airway segment overlying the McAlester, OK, VORTAC between the Will Rogers, OK, VORTAC and the Fort Smith, AR, VORTAC is removed. The unaffected portions of the existing airway remain as charted.

*V–583:* V–583 extends between the Centex, TX, VORTAC and the McAlester, OK, VORTAC. The airway segment overlying the McAlester, OK, VORTAC between the Paris, TX, VOR/DME and the McAlester, OK, VORTAC is removed. Concurrent changes to other portions of the airway are not being made, at this time, as noted in the NPRM. The unaffected portions of the existing airway remain as charted.

All radials in the route descriptions below are unchanged and stated in True degrees.

**Regulatory Notices and Analyses**

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

**Environmental Review**

The FAA has determined that this action of removing Jet Route J–105 and modifying VOR Federal airways V–15, V–63, V–272, and V–583 due to the planned decommissioning of the VOR portion of the McAlester, OK, VORTAC NAVAID qualifies for categorical exclusion under the National Environmental Policy Act and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

## Adoption of the Amendment

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

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

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

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

### § 71.1 [Amended]

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

*Paragraph 2004 Jet Routes.*

* * * * *

**J–105 [Removed]**

* * * * *

*Paragraph 6010(a) Domestic VOR Federal Airways.*

* * * * *

**V–15 [Amended]**

From Navasota, TX; College Station, TX; Waco, TX; Cedar Creek, TX; to Bonham, TX. From Okmulgee, OK; to Neosho, MO. From Sioux City, IA; INT Sioux City 340° and Sioux Falls, SD, 169° radials; Sioux Falls; Huron, SD; Aberdeen, SD; Bismarck, ND; to Minot, ND.

* * * * *

**V–63 [Amended]**

From Bowie, TX; to Texoma, OK. From Razorback, AR; Springfield, MO; Hallsville, MO; Quincy, IL; Burlington, IA; Moline, IL; Davenport, IA; Rockford, IL; Janesville, WI; Badger, WI; to Oshkosh, WI. From Wausau, WI; Rhinelander, WI; to Houghton, MI. Excluding that airspace at and above 10,000 feet MSL from 5 NM north to 46 NM north of Quincy, IL, when the Howard West MOA is active.

* * * * *

**V–272 [Amended]**

From Dalhart, TX; Borger, TX; Burns Flat, OK; to Will Rogers, OK.

* * * * *

**V–583 [Amended]**

From Centex, TX; INT Centex 061° and College Station, TX, 273° radials; College Station; Leona, TX; Frankston, TX; Quitman, TX; to Paris, TX.

* * * * *

Issued in Washington, DC.

**Scott M. Rosenbloom,**

*Acting Manager, Rules and Regulations Group.*

[FR Doc. 2020–09266 Filed 5–6–20; 8:45 am]

**BILLING CODE 4910–13–P**

---

## SECURITIES AND EXCHANGE COMMISSION

## 17 CFR Parts 227 and 239

**[Release No. 33–10781]**

## Temporary Amendments to Regulation Crowdfunding

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Temporary final rule.

**SUMMARY:** The Securities and Exchange Commission (''Commission'') is adopting temporary final rules to facilitate capital formation for small businesses impacted by coronavirus disease 2019 (COVID–19). The temporary final rules are intended to expedite the offering process for smaller, previously established companies directly or indirectly affected by COVID–19 that are seeking to meet their funding needs through the offer and sale of securities pursuant to Regulation Crowdfunding. The temporary final rules are designed to facilitate this offering process by providing tailored, conditional relief from certain requirements of Regulation Crowdfunding relating to the timing of the offering and the availability of financial statements required to be included in issuers' offering materials while retaining appropriate investor protections.

**DATES:**

*Effective date:* The amendments are effective from May 4, 2020, through March 1, 2021.

*Applicability date:* The amendments apply to securities offerings initiated under Regulation Crowdfunding between May 4, 2020, and August 31, 2020.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Zepralka, Office of Small Business Policy, Division of Corporation Finance, at (202) 551–3460; U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–3628.

**SUPPLEMENTARY INFORMATION:** We are adopting amendments to 17 CFR 227.100 (''Rule 100''), 17 CFR 227.201 (''Rule 201''), 17 CFR 227.301 (''Rule 301''), 17 CFR 227.303 (''Rule 303'') and 17 CFR 227.304 (''Rule 304'') of 17 CFR part 227 (''Regulation Crowdfunding'') under 15 U.S.C. 77a *et seq.* (the ''Securities Act'') and to 17 CFR 239.900 (''Form C'') as temporary final rules.

### I. Introduction

The outbreak of COVID–19 has had far-reaching effects, with small businesses being particularly affected by the closures and safety measures designed to slow the spread of COVID–19.[1] The Commission recognizes that, in the current environment, many small businesses are facing challenges accessing urgently needed capital in a timely and cost-effective manner. A securities offering under Regulation Crowdfunding may be an attractive fundraising option for some small businesses at this time, particularly as a means of allowing an issuer to make use of the internet to reach out to its customers or members of its local community as potential investors as well as to existing investors. However, based on feedback that the Commission has received from its Small Business Capital Formation Advisory Committee and other outreach conducted by SEC staff, the Commission understands that certain Regulation Crowdfunding requirements may make it difficult for an issuer affected by COVID–19 to launch an offering and see it to completion within a time frame that meets its urgent capital needs.[2]

In light of the challenges facing small businesses, the Commission has determined that temporary relief from certain requirements of Regulation Crowdfunding is necessary and appropriate to provide issuers with the opportunity to access capital on an expedited basis while maintaining investor protections. The temporary

---

[1] *See, e.g.,* MetLife & U.S. Chamber of Commerce Special Report on Coronavirus and Small Business (April 3, 2020), *available at https://www.uschamber.com/sites/default/files/metlife_uscc_coronavirus_and_small_business_report_april_3.pdf* (''With high levels of concern about COVID–19 reported in every sector and region of the country, one in four small businesses (24 percent) report having already temporarily shut down. Among those who haven't shut down yet, 40 percent report it is likely they will shut temporarily within the next two weeks. Forty-three percent believe they have less than six months until a permanent shutdown is unavoidable.'').

[2] *See* Transcript of SEC Small Business Capital Formation Advisory Committee (April 2, 2020), *available at https://www.sec.gov/info/smallbus/acsec/sbcfac-transcript-040220.pdf,* at 30–32 (expressing the view that Regulation Crowdfunding is ''the only mechanism'' for private businesses to access ''non-accredited investors, really the community members'' and suggesting relief from the financial statement requirements of Regulation Crowdfunding) and 39–41 (suggesting financial statement relief and relief from the requirement to wait 21 days before disbursement of funds raised in a Regulation Crowdfunding offering). *See also* Transcript for Online Investment Capital Raising Virtual Coffee Break (April 3, 2020), *available at https://www.sec.gov/files/OS-018-20-403-full.pdf.*

rules provide flexibility for issuers who meet certain eligibility criteria [3] to assess interest in a Regulation Crowdfunding offering prior to preparation of full offering materials,[4] and then once launched, to close such an offering and have access to funds sooner than would be possible in the absence of the temporary relief.[5] The temporary rules also provide an exemption from certain financial statement review requirements for issuers offering $250,000 or less in reliance on Regulation Crowdfunding within a 12-month period.[6] The following table summarizes the amendments:

| Requirement | Existing regulation crowdfunding | Temporary amendment |
|---|---|---|
| *Eligibility* | The exemption is *not* available to:<br>• Non-U.S. issuers;<br>• Issuers that are required to file reports under Section 13(a) or 15(d) of the Securities Exchange Act of 1934;.<br>• Investment companies;<br>• Blank check companies;<br>• Issuers that are disqualified under Regulation Crowdfunding's disqualification rules; and.<br>• Issuers that have failed to file the annual reports required under Regulation Crowdfunding during the two years immediately preceding the filing of the offering statement. | To rely on the temporary rules, issuers must meet the *existing* eligibility criteria PLUS:<br>• The issuer cannot have been organized and cannot have been operating less than six months prior to the commencement of the offering; and<br>• An issuer that has sold securities in a Regulation Crowdfunding offering in the past, must have complied with the requirements in section 4A(b) of the Securities Act and the related rules. |
| *Offers permitted* | After filing of offering statement (including financial statements). | After filing of offering statement, but financial statements may be initially omitted (if not otherwise available). |
| *Investment commitments accepted.* | After filing of offering statement (including financial statements). | After filing of offering statement that includes financial statements or amended offering statement that includes financial statements. |
| *Financial statements required when issuer is offering more than $107,000 and not more than $250,000 in a 12-month period.* | Financial statements of the issuer reviewed by a public accountant that is independent of the issuer. | Financial statements of the issuer and certain information from the issuer's Federal income tax returns, both certified by the principal executive officer. |
| *Sales permitted* | After the information in an offering statement is publicly available for at least 21 days. | As soon as an issuer has received binding investment commitments covering the target offering amount (note: commitments are not binding until 48 hours after they are given). |
| *Early closing permitted* | Once target amount is reached if:<br>• The offering remains open for a minimum of 21 days;<br>• The intermediary provides notice about the new offering deadline at least five business days prior to the new offering deadline;.<br>• Investors are given the opportunity to reconsider their investment decision and to cancel their investment commitment until 48 hours prior to the new offering deadline; and.<br>• At the time of the new offering deadline, the issuer continues to meet or exceed the target offering amount. | As soon as binding commitments are received reaching target amount if:<br>• The issuer has complied with the disclosure requirements in temporary Rule 201(z);<br>• The intermediary provides notice that the target offering amount has been met; and<br>• At the time of the closing of the offering, the issuer continues to meet or exceed the target offering amount. |
| *Cancellations of investment commitments permitted.* | For any reason until 48 hours prior to the deadline identified in the issuer's offering materials. Thereafter, an investor is not able to cancel any investment commitments made within the final 48 hours of the offering (except in the event of a material change to the offering). | For any reason for 48 hours from the time of the investor's investment commitment (or such later period as the issuer may designate). After such 48 hour period, an investment commitment may not be cancelled unless there is a material change to the offering. |

Section 28 of the Securities Act [7] provides the Commission with general exemptive authority to conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Securities Act, or of any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.

The Commission intends to monitor the current situation and may, if necessary, extend the time period during which this relief applies, with any additional conditions the Commission deems appropriate and/or issue other relief.

## II. Eligibility Requirements for Reliance on Temporary Rules

The temporary relief we are providing in this release will be available to issuers who meet certain eligibility

[3] *See* temporary 17 CFR 227.100(b)(7) (''Rule 100(b)(7)''). To rely on the temporary rules, an issuer must meet the requirements of temporary Rule 100(b)(7) in addition to the current eligibility requirements of 17 CFR 227.100(b)(1) through (6).

[4] *See* temporary 17 CFR 227.201(z)(2) (''Rule 201(z)(2)'').

[5] *See* temporary 17 CFR 227.303(g) (''Rule 303(g)'') and temporary 17 CFR 227.304(e) (''Rule 304(e)'').

[6] *See* temporary 17 CFR 227.201(z)(3) (''Rule 201(z)(3)''). Note that Instruction 1 to paragraph (t) continues to apply in connection with the determination of the offering amount. *See supra* Note 21.

[7] 15 U.S.C. 77z–3.

criteria. Specifically, in addition to the current eligibility requirements for Regulation Crowdfunding,[8] to rely on the temporary rules for an offering an issuer must have been organized and have had operations for no less than six months prior to the commencement of such offering.[9] We believe that this limitation on eligibility is appropriate because the temporary relief is intended primarily to assist existing businesses that require additional funds because of adverse effects caused by the closures and safety measures designed to slow the spread of COVID–19. In addition, limiting the relief to issuers that had been organized and had operations for at least six months prior to the offering should help mitigate risk to investors associated with use of the temporary accommodations by newly formed businesses. New businesses are not foreclosed from conducting an offering under Regulation Crowdfunding, but will need to comply with existing rules.

In addition, an issuer will be ineligible to rely on the temporary rules for an offering if the issuer has previously sold securities under Regulation Crowdfunding and, in connection with such prior offering(s), did not comply with the requirements in 15 U.S.C. 77d–1(b) (''Section 4A(b)'') of the Securities Act and the related requirements of Regulation Crowdfunding.[10] This limitation will prevent an issuer with a history of non-compliance in Regulation Crowdfunding offerings from taking advantage of the temporary exemptions.

In connection with this temporary amendment, we are making a related amendment to Rule 301 to require that an intermediary[11] involved in an offering by an issuer that is relying on the temporary relief must have a reasonable basis for believing that the issuer has complied with the requirements of Section 4A(b) and the related requirements of Regulation Crowdfunding in prior offerings.[12] For this requirement, the intermediary may reasonably rely on the representations of the issuer concerning compliance with these requirements unless the intermediary has reason to question the reliability of those representations.

## III. Temporary Relief From Certain Financial Information Requirements

In order to conduct a Regulation Crowdfunding offering, an issuer must electronically file its offering statement on Form C with the Commission and provide it to the intermediary facilitating the crowdfunding offering prior to commencing its offering.[13] The offering statement must include specified information, including a discussion of the issuer's financial condition and financial statements.[14] The financial statement requirements are based on the amount offered and sold in reliance on Regulation Crowdfunding within the preceding 12-month period:[15]

- *For issuers offering $107,000 or less:* Financial statements of the issuer and certain information from the issuer's Federal income tax returns, both certified by the principal executive officer. If, however, financial statements of the issuer are available that have either been reviewed or audited by a public accountant that is independent of the issuer, the issuer must provide those financial statements instead and will not need to include the information reported on the Federal income tax returns or the certification by the principal executive officer.
- *Issuers offering more than $107,000 but not more than $535,000:* Financial statements reviewed by a public accountant that is independent of the issuer. If, however, financial statements of the issuer are available that have been audited by a public accountant that is independent of the issuer, the issuer must provide those financial statements instead and will not need to include the reviewed financial statements.
- *Issuers offering more than $535,000:*
  - *For first-time Regulation Crowdfunding issuers:* Financial statements reviewed by a public accountant that is independent of the issuer, unless financial statements of the issuer are available that have been audited by an independent auditor.
  - *For issuers that have previously sold securities in reliance on Regulation Crowdfunding:* Financial statements audited by a public accountant that is independent of the issuer.[16]

In light of the challenges that small businesses are experiencing as a result of COVID–19, we believe that temporary, limited exemptive relief from certain Regulation Crowdfunding requirements for issuers that meet the enhanced eligibility requirements discussed above may help provide timely access to capital, while maintaining appropriate investor protections.

### *A. Omission of Financial Statements From Initial Form C Filing*

An issuer that seeks to conduct an offering under Regulation Crowdfunding to address urgent funding needs arising from or relating to COVID–19 but that does not have current financial statements available, or that is facing challenges in obtaining reviewed or audited financial statements due to COVID–19, may find it difficult to prepare the required financial statements in order to launch a timely offering. Further, the issuer may be more reluctant to undertake the cost of the preparation of such financial statements during the pandemic without some indication that the securities offering has a chance of succeeding. In light of this, we are providing temporary relief from certain financial information requirements in an issuer's initial Form C filing. The temporary relief will allow an issuer to provide offering information through the intermediary's platform and informally gauge investor interest in an offering before going through the effort and expense of preparing financial statements.

[8] 15 U.S.C. 77d–1 (''Section 4A'') of the Securities Act specifically excludes non-U.S. issuers, issuers that are required to file reports under Section 13(a) or 15(d) of the Securities Exchange Act of 1934, investment companies, as defined in Section 3 of the Investment Company Act of 1940 or excluded from the definition of investment company by Section 3(b) or Section 3(c) of that Act; and other issuers that the Commission, by rule or regulation, determines appropriate. 15 U.S.C. 77d–1(f). In addition, the Commission's rules further exclude: Issuers that are disqualified under Regulation Crowdfunding's disqualification rules, issuers that have failed to comply with the annual reporting requirements under Regulation Crowdfunding during the two years immediately preceding the filing of the offering statement, and blank check companies. 17 CFR 227.100(b). These eligibility requirements remain unchanged under the temporary relief.

[9] *See* temporary 17 CFR 227.100(b)(7)(i). Because of the wide variety in the types of businesses that may rely on Regulation Crowdfunding, the activities that constitute operations and the level of operations will vary from issuer to issuer. Examples of issuers who would be considered to have operations include but are not limited to those that: Have assets, revenue, operating expenses (such as rent, salaries, or utilities), or interest expense; have paid taxes or incurred business debt; or have previously filed a Form C for a Regulation Crowdfunding offering.

[10] *See* temporary 17 CFR 227.100(b)(7)(ii). An issuer must meet the eligibility criteria at the time it initiates an offering in reliance on the temporary rules. Therefore, an issuer that was delinquent in its filing obligations that becomes current prior to initiating a new offering would be eligible to rely on the temporary rules. An issuer relying on the temporary relief that is subsequently found to be non-compliant in connection with prior offerings (other than insignificant deviations covered by the safe harbor of 17 CFR 227.502(a)) would not have been eligible for the temporary relief, with the result that the Regulation Crowdfunding exemption would not be available for the offering.

[11] For purposes of Regulation Crowdfunding, an intermediary means a registered broker-dealer or funding portal. *See* 17 CFR 227.300(c)(3).

[12] *See* temporary 17 CFR 227.301(d) (''Rule 301(d)'').

[13] *See* Rule 201.

[14] *See* id.

[15] *See* 17 CFR 227.201(t) (''Rule 201(t)'').

[16] *See* id.

Temporary Rule 201(z)(2) allows an issuer that meets the eligibility requirements described above to (i) omit the financial statements required by Rule 201(t) in its initial Form C filed with the Commission, to the extent such financial statements are not otherwise available; and (ii) commence its offering of securities through the intermediary's platform. Such financial statements are, however, required to be included in an amendment to the Form C and provided to investors and the intermediary before the intermediary accepts any investment commitments in the offering.[17]

An issuer relying on this temporary rule must prominently disclose that:

- The financial information that has been omitted is not otherwise available and will be provided by an amendment to the offering materials;
- The investor should review the complete set of offering materials, including previously omitted financial information, prior to making an investment decision; and
- No investment commitments will be accepted until after such financial information has been provided.[18]

We believe that this clear disclosure to potential investors, along with the enhanced eligibility requirements and the inability of an intermediary to accept any investment commitment prior to an investor's receipt of all required information, will provide appropriate protections to investors involved in such offerings.

*B. Increase in Offering Threshold Requiring Reviewed Financial Statements*

Market participants have indicated to the Commission that a temporary change to the offering threshold that triggers the requirement to include financial statements that are reviewed by a public accountant that is independent of the issuer could facilitate capital raising by issuers affected by COVID–19.[19] In response, we are adopting temporary Rule 201(z)(3), that would apply to an eligible issuer[20] in an offering or offerings that, together with all other amounts sold in Regulation Crowdfunding offerings within the preceding 12-month period, have, in the aggregate, a target offering amount of more than $107,000, but not more than $250,000.[21] Such an issuer may provide financial statements of the issuer and certain information from the issuer's Federal income tax returns, both certified by the principal executive officer, in accordance with 17 CFR 227.201(t)(1) (''Rule 201(t)(1)''), instead of the financial statements reviewed by a public accountant that is independent of the issuer that would otherwise be required by 17 CFR 227.201(t)(2) (''Rule 201(t)(2)''). This temporary relief would apply only if reviewed or audited financial statements of the issuer are not otherwise available.

An issuer relying on this temporary rule would be required to provide prominent disclosure that financial information certified by the principal executive officer of the issuer has been provided instead of financial statements reviewed by a public accountant that is independent of the issuer.[22]

We are of the view that the financial statement requirements of Rule 201(t)(1), although less rigorous than Rule 201(t)(2), provide appropriate information and protection to investors in offerings up to the higher $250,000 threshold, when considered in conjunction with the prominent disclosure to investors and other conditions to an issuer's reliance on the temporary rule.

## IV. Temporary Relief From Certain Timing Requirements for Offerings Under Regulation Crowdfunding

Regulation Crowdfunding requires that the information in an offering statement be publicly available on the intermediary's platform for at least 21 days before any securities may be sold, although the intermediary may accept investment commitments during that time.[23] In addition, Regulation Crowdfunding includes specific requirements with respect to cancellation of investment commitments and the ability to close an offering prior to the originally announced deadline once the target amount is met.[24]

Market participants have indicated that these timing requirements, in light of business disruptions resulting from COVID–19, may make it difficult for issuers with urgent funding needs to make use of Regulation Crowdfunding to receive funds promptly.[25] As a result, we are adopting the following temporary relief from these timing requirements for offerings initiated between May 4, 2020, and August 31, 2020.

*A. Suspension of 21-Day Requirement*

Rule 303(a) of Regulation Crowdfunding sets forth the requirements applicable to an intermediary with respect to the availability of specified issuer information to the Commission and to investors. This includes a requirement that the information be made publicly available on the intermediary's platform for a minimum of 21 days before any securities are sold in the offering. During this time, the intermediary may accept investment commitments.[26] In addition, Rule 303(e)(3)(i) similarly imposes a 21-day requirement with respect to the availability of issuer information when a funding portal is directing a qualified third party to transmit funds to an issuer. Rule 304(b), as discussed below, also requires that an offering remain open for a minimum of 21 days pursuant to Rule 303(a).

This 21-day time period, particularly when considered alongside the time required for an issuer to prepare its offering materials and commence an offering under Regulation Crowdfunding, may diminish the utility of Regulation Crowdfunding for issuers with urgent capital needs as a result of COVID–19. Therefore, we are adopting temporary Rule 303(g), under which an intermediary is not required to comply with Rule 303(a)(2)'s 21-day requirement, but instead must make the required issuer information publicly available on the intermediary's platform before any securities are sold in the offering.[27] The intermediary may accept investment commitments beginning when such information is made available, but only if the issuer has provided the financial information

[17] Because no investment commitments may be made until complete financial statements are provided, the filing of the amendment including such financial statements will not trigger the reconfirmation requirements of 17 CFR 227.304(c) (''Rule 304(c)'').

[18] *See* temporary 17 CFR 227.201(z)(1) (''Rule 201(z)(1)'').

[19] *See supra* note 2.

[20] *See* temporary Rule 100(b)(7).

[21] Note that Instruction 1 to paragraph (t) continues to apply in connection with the determination of the offering amount (''To determine the financial statements required under this paragraph (t), an issuer must aggregate amounts sold in reliance on section 4(a)(6) of the Securities Act (15 U.S.C. 77d(a)(6)) within the preceding 12-month period and the offering amount in the offering for which disclosure is being provided. If the issuer will accept proceeds in excess of the target offering amount, the issuer must include the maximum offering amount that the issuer will accept in the calculation to determine the financial statements required under this paragraph (t).'').

[22] *See* temporary 17 CFR 227.201(z)(1)(iii) (''Rule 201(z)(1)(iii)'').

[23] *See* Securities Act Section 4A(a)(6); 17 CFR 227.303(a) (''Rule 303(a)''). *See also* 17 CFR 227.303(e)(3)(i) (''Rule 303(e)(3)(i)'') and 17 CFR 227. 304(b) (''Rule 304(b)'').

[24] *See* Rule 304.

[25] *See supra* note 2.

[26] 17 CFR 227.303(a)(2) (''Rule 303(a)(2)'').

[27] Notwithstanding the waiver of the 21-day requirement, we note that no offering under these temporary rules will be able to close within the first 48 hours, as a result of the right to cancellation described in Section IV.B.

required by Rule 201(t).[28] Similarly, a funding portal is not required to comply with the 21-day requirement in Rule 303(e)(3)(i) with respect to directing a transmission of funds after a sale has occurred and the cancellation period has elapsed.

An issuer may not rely on the temporary rules unless it meets the temporary eligibility requirements and provides prominent disclosure that the offering is being conducted on an expedited basis due to circumstances relating to COVID–19 and pursuant to this temporary relief.

While the Commission continues to believe that the 21-day time period provides important investor protections by helping to ensure that an investor has an adequate opportunity to evaluate an investment opportunity,[29] we believe the prominent disclosure required by the temporary rules will make clear to potential investors that there may be a compressed time frame for the offering, and allow them to take that information into consideration when determining whether or not to invest. For instance, the disclosure will put investors on notice that they may have a shortened time frame within which to consider information about the type of offering the issuer is conducting.[30]

*B. Changes to Cancellation Process*

Section 4A(b)(1)(G) of the Securities Act requires an issuer, prior to sale, to provide investors ''a reasonable opportunity to rescind the commitment to purchase the securities.'' Rule 304(a) of Regulation Crowdfunding gives investors an unconditional right to cancel an investment commitment for any reason until 48 hours prior to the deadline identified in the issuer's offering materials. Thereafter, an investor is not able to cancel any investment commitments made within the final 48 hours of the offering (except in the event of a material change to the offering).

Rule 304(b) provides that if an issuer reaches the target offering amount prior to the deadline identified in its offering materials, it may close the offering once the target offering amount is reached, provided that: (1) The offering remains open for a minimum of 21 days; (2) the intermediary provides notice about the new offering deadline at least five business days prior to the new offering deadline; (3) investors are given the opportunity to reconsider their investment decision and to cancel their investment commitment until 48 hours prior to the new offering deadline; and (4) at the time of the new offering deadline, the issuer continues to meet or exceed the target offering amount.

These requirements relating to an investor's ability to cancel an investment commitment and an issuer's ability to close an offering once the target offering amount has been met provide protections to investors by enabling them to reconsider investment decisions with the benefit of the views of the crowd or other information that may come to light during the offering period. However, these requirements may, like the 21-day requirement, diminish the utility of Regulation Crowdfunding for issuers with urgent capital needs as a result of COVID–19.

To facilitate the use of Regulation Crowdfunding to address urgent funding needs, we are adopting temporary Rule 304(e) and a related disclosure requirement in temporary Rule 201(z)(1)(iv). These rules would permit an investor in an offering conducted under the temporary rules to cancel an investment commitment for any reason within 48 hours from the time of his or her investment commitment (or such later period as the issuer may designate).[31] After such 48-hour period, an investment commitment may be cancelled only if there is a material change to the terms of an offering or to the information provided by the issuer, as provided in Rule 304(c). In addition, once an issuer has received binding investment commitments (that is, investment commitments for which the 48-hour cancellation period has run) that equal or exceed the target offering amount, the issuer may close the offering on a date earlier than the deadline identified in its offering materials.[32] In order to do so, the issuer must comply with additional disclosure requirements described below and the intermediary must provide notice that the target offering amount has been met. The intermediary is not required to provide five business days' notice of the earlier closing deadline, as would normally be required under Rule 304(b). At the time of the closing of the offering, the issuer must continue to have binding investment commitments that meet or exceed the target offering amount.

We believe that it is appropriate to provide temporary relief from these requirements so that issuers can more readily raise capital to meet their urgent funding needs, while providing protections in the form of prominent, clear disclosure to investors of the changes in the process and preserving the rules that permit cancellations when there has been a material change in the offering.

The temporary rule requires the issuer to provide a prominent description of the process to complete the transaction or cancel an investment commitment, including a statement that:

- Investors may cancel an investment commitment for any reason within 48 hours from the time of their investment commitment (or such later period as the issuer may designate);
- The intermediary will notify investors when the target offering amount has been met;

[28] An issuer relying on the temporary relief from the requirement to have financial statements be reviewed by a public accountant, will be deemed to have provided the financial information required by Rule 201(t). *See* Section III.B and temporary Rule 201(z)(3). However, an issuer that has omitted financial statements pursuant to temporary Rule 201(z)(2) will not be able to accept investment commitments until it includes such financial statements. *See* Section III.A.

[29] *See* Crowdfunding, Release No. 33–9974 (Oct. 30, 2015) [80 FR 71387 (Nov. 16, 2015)] at 71442.

[30] SEC staff previously published an investor bulletin that discusses the differences between certain types of securities that may be offered. *See* SEC Office of Investor Education and Advocacy, Investor Bulletin: Be Cautious of SAFEs in Crowdfunding (May 9, 2017), *available at https://www.sec.gov/oiea/investor-alerts-and-bulletins/ib_safes.*

[31] Under Rule 303(d), an intermediary must promptly, upon receipt of an investment commitment from an investor, give or send to the investor a notification disclosing certain information, including the date and time by which the investor may cancel the investment commitment.

[32] As is currently the case, an issuer that decides to do a ''min/max'' offering in which offered securities will be sold if a minimum is met, but subject to a cap on the overall amount sold, may engage in a ''rolling close'' in which, once a specified minimum threshold is met, investors are notified by the intermediary that that minimum portion of the issue will be closed and funds are released to the issuer. After this initial close, the issuer may make additional closes until the maximum offering amount is received.

• The issuer may close the offering at any time after it has aggregate investment commitments for which the 48-hour right to cancel (or such later period as the issuer may designate) has elapsed that equal or exceed the target offering amount (absent a material change that would require an extension of the offering and reconfirmation of the investment commitment);[33] and

• If an investor does not cancel an investment commitment within 48 hours from the time of the binding investment commitment, the funds will be released to the issuer upon closing of the offering and the investor will receive securities in exchange for his or her investment.

## V. Disclosure of Reliance on Temporary Relief

As described above, a condition to each aspect of the temporary relief we are adopting is clear disclosure to investors with respect to the issuer's reliance on such relief. We believe this disclosure is necessary to inform investors of the fact that the mechanics of the offering are different than the investors may be expecting, as well as to ensure that investors are aware that that the issuer is being affected by COVID–19.

To assist issuers with compliance with these requirements, the following table summarizes the disclosure requirements. Where applicable, prominent disclosure of each of the following is required:[34]

| Requirement: | Applicable to: |
|---|---|
| A statement that the offering is being conducted on an expedited basis due to circumstances relating to COVID–19 and pursuant to the SEC's temporary regulatory COVID–19 relief. [Rule 201(z)(1)(i)]. | Any issuer relying on any of the temporary rules. |
| A statement that:<br>• The financial information that has been omitted is not currently available and will be provided by an amendment to the offering materials;<br>• The investor should review the complete set of offering materials, including previously omitted financial information, prior to making an investment decision; and<br>• No investment commitments will be accepted until after such financial information has been provided. [Rule 201(z)(1)(ii)] | An issuer relying on temporary Rule 201(z)(2) to omit financial statements from initial Form C filing. |
| A statement that:<br>• Financial information certified by the principal executive officer of the issuer has been provided instead of financial statements reviewed by a public accountant that is independent of the issuer. [Rule 201(z)(1)(iii)] | An issuer that does not have available financial statements that have either been reviewed or audited by a public accountant that is independent of the issuer and is relying on the temporary Rule 201(z)(3) relief from providing reviewed financial statements. |
| A description of the process to complete the transaction or cancel an investment commitment, including a statement that:<br>• Investors may cancel an investment commitment for any reason within [48 hours]** from the time of their investment commitment;<br>• The intermediary will notify investors when the target offering amount has been met;<br>• The issuer may close the offering at any time after it has aggregate investment commitments for which the [48-hour]** right to cancel has elapsed that equal or exceed the target offering amount (absent a material change that would require an extension of the offering and reconfirmation of the investment commitment); and<br>• If an investor does not cancel an investment commitment within [48 hours]** from the time of the initial investment commitment, the funds will be released to the issuer upon closing of the offering and the investor will receive securities in exchange for his or her investment.<br>** Under the temporary rules, 48 hours is the minimum cancellation period, but an issuer may designate a later period. If the issuer has designated a period later than 48 hours, such later period must be disclosed. [Rule 201(z)(1)(iv)] | An issuer relying on temporary Rules 303(g) and 304(e) for relief from the timing requirements. |

## VI. Economic Analysis

### *A. Broad Economic Considerations, Baseline, and Affected Parties*

As discussed above, in light of the considerable challenges facing small businesses, the Commission is providing temporary relief from certain requirements of Regulation Crowdfunding to issuers seeking funding on an expedited basis due to circumstances relating to COVID–19. We are mindful of the costs and benefits of the temporary rules.[35] Below we discuss the costs and benefits of each provision of the temporary rules, as well as their effects on efficiency, competition, and capital formation.

#### 1. Broad Economic Considerations

Below we summarize the expected economic effects of the final temporary rules. These temporary rules will allow eligible issuers greater flexibility to access capital under Regulation Crowdfunding on an expedited basis. We expect the temporary rules to facilitate capital formation for eligible issuers. Further, relief from certain

[33] If there is a material change to the terms of the offering or to the information provided by the issuer that would require an extension of the offering and reconfirmation of the investment commitment, the intermediary must give or send to any investor who has made an investment commitment notice of the material change and that the investor's investment commitment will be cancelled unless the investor reconfirms his or her investment commitment within five business days of receipt of the notice, in accordance with Rule 304(c). An investor that reconfirms his or her investment commitment will have 48 hours to cancel such reconfirmed investment commitment.

[34] We are temporarily amending the introductory paragraphs to the section of Form C entitled ''Optional Question & Answer Format for an Offering Statement'' by adding a new paragraph reminding issuers that are relying on these temporary rules to review and tailor their responses to certain questions in the Form C appropriately.

[35] Section 2(b) of the Securities Act [15 U.S.C. 77b(b)] requires the Commission, when engaging in rulemaking where it is required to consider or determine whether an action is necessary or appropriate in the public interest, to consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.

timing and information requirements and the introduction of the option to solicit investor interest before preparing financial disclosures are expected to reduce some of the barriers to Regulation Crowdfunding, making the capital raising process more efficient for eligible issuers. By providing targeted relief in a market segment that primarily attracts small businesses, which are disproportionately affected by downturns, we expect the temporary rules to incrementally enhance competition between small businesses and larger companies (which tend to be less financially constrained).[36] The temporary rules may also facilitate capital formation for small companies that previously raised capital from small investors but that have additional financing needs as the result of the COVID–19 shock.

We recognize that the effects of the temporary rules on capital formation may be relatively limited if the issuers relying on the provided relief would have otherwise pursued a Regulation Crowdfunding offering and raised a similar amount of financing in the absence of the relief. However, reliance on the relief might still enable such issuers to optimize their financing cost and benefit from a more efficient and streamlined offering process.

We recognize that temporarily relaxing certain substantive and disclosure requirements of Regulation Crowdfunding may incrementally raise concerns about investor losses, either due to the investors' reduced time period within which to make an informed decision about an offering or the increased ability of opportunistic issuers seeking to exploit COVID–19 concerns to raise capital from investors through crowdfunding in an expedited timeframe. Generally, however, the aggregate incremental effect of the temporary rules on retail investor losses is likely limited by various factors, including the tailoring of the relief (*e.g.,* the eligibility requirements) and the modest size of the Regulation Crowdfunding market compared to other market segments that draw small investors. In one potential scenario, investors that receive less information about issuers as a result of the temporary relief from reviewed financial statement requirements may provide a lower amount of financing or financing at a higher cost, which may deter relatively more established, higher-potential issuers from relying on the temporary rules, resulting in adverse selection. At the same time, the substantial, market-wide nature of the negative shock to small issuers' cash flows and financing needs may prompt both low- and high-potential issuers to rely on the temporary relief in order to raise funds on an expedited basis, which might counteract such adverse selection. It is difficult to predict which effect will dominate.

Importantly, several conditions of the temporary rules are expected to preserve investor protection. As discussed below, the eligibility requirements exclude issuers that were noncompliant with the requirements of Regulation Crowdfunding in previous offerings that resulted in sales. Further, to the extent that investors know less about newly formed issuers with a limited track record, the incremental risk of the temporary relief to investors is reduced by the exclusion from eligibility of issuers formed less than six months prior to the offering. This limitation on eligibility will tailor the relief to assist existing issuers that require additional funds because of adverse effects caused by the closures and safety measures designed to slow the spread of COVID–19. Issuers are required to disclose reliance on the temporary rules to investors, enabling more informed decisions. While issuers may solicit investor interest after an initial Form C filing lacking financial disclosures, intermediaries are not allowed to accept investor commitments before the issuer provides all required financial information.

In addition, several essential safeguards contained in the existing Regulation Crowdfunding rules, including offering and investment limits, will continue to apply. Crucially, investment limits serve to limit the potential magnitude of investor losses, irrespective of cause. Further, Regulation Crowdfunding offerings will continue to be conducted through registered crowdfunding intermediaries, which remain subject to Commission and FINRA oversight. Crowdfunding intermediaries remain required to take measures to reduce the risk of fraud, provide investor education materials and issuer disclosures to investors, and meet other substantive requirements of Regulation Crowdfunding. Intermediaries remain required to provide communications channels on the online platform to allow investors to draw on the wisdom of the crowd, particularly in analyzing dynamic information about short-term offerings. Issuers remain subject to the extensive disclosure requirements of Form C as well as annual report obligations. While the temporary rules provide exceptions to certain timing requirements of Regulation Crowdfunding for eligible issuers, investors remain able to rescind their commitments within 48 hours from the time of making their commitment, and of a material change to the offering.

In light of the temporary nature of the relief, tailored eligibility criteria, and targeted, conditional relief provisions, we expect the aggregate economic effects of these temporary rules to be modest relative to the economic effects of the 2015 Regulation Crowdfunding rules. Further, the temporary rules may have a limited effect compared to the overall economic effects of the COVID–19 shock and the associated changes in market conditions on affected issuers. In particular, diminished aggregate and industry outlook, investor confidence, and risk tolerance, as well as negative wealth effects of the market downturn on investor portfolios and reduced disposable income due to labor market disruptions may have a negative effect on investors' willingness to participate in offerings, the likelihood of offering success, the amount of capital raised, and the offering terms under Regulation Crowdfunding, irrespective of the temporary rules. However, it is also possible that some investors in crowdfunding offerings are more motivated by nonmonetary considerations, such as a desire to invest in the local community or loyalty to a small business whose products they buy. Under such circumstances, the deterioration of financing conditions in the Regulation Crowdfunding market would be modest relative to that in the market for small cap registered offerings. Similarly, the temporary rules may have minimal effects on investor performance in Regulation Crowdfunding offerings, which, regardless of the temporary relief, may decline as a result of the effects of the shock on business risk and survival rates of small firms, particularly in industries heavily represented in the Regulation Crowdfunding market, the probability of follow-on financing or

[36] Research has related small size to financing constraints, and conversely, larger size to being less financially constrained. *See, e.g.,* Nathalie Moyen (2004) Investment—Cash Flow Sensitivities: Constrained versus Unconstrained Firms, *Journal of Finance* 59(5), 2061–2092; Christopher Hennessy, Amnon Levy, and Toni Whited (2007) Testing Q Theory with Financing Frictions, *Journal of Financial Economics* 83(3), 691–717. Other studies also show that diversified firms can rely on internal capital markets to mitigate financing constraints. *See, e.g.,* Venkat Kuppuswamy and Belén Villalonga (2016) Does Diversification Create Value in the Presence of External Financing Constraints? Evidence from the 2007–2009 Financial Crisis, *Management Science* 62(4), 905–923 (showing that ''the value of corporate diversification increased during the 2007–2009 financial crisis'' and that ''conglomerates' access to internal capital markets became more valuable'').

exit, and the valuations obtained as a result of such transactions.

We evaluate the economic effects specific to each provision of the temporary rules relative to the baseline in greater detail in Sections VI.B through VI.D below.

2. Baseline and Affected Parties

The baseline is composed of existing Regulation Crowdfunding regulations and industry practices.[37] Given the exemption's offering limit, since Regulation Crowdfunding became effective in 2016, it has been primarily utilized by small businesses (which typically lack significant internal cash flows or access to other securities market financing options). Table 1 below presents data on the characteristics of issuers in Regulation Crowdfunding offerings.

TABLE 1—CHARACTERISTICS OF ISSUERS IN REGULATION CROWDFUNDING OFFERINGS: MAY 16, 2016–DECEMBER 31, 2019[38]

| | Average | Median |
|---|---|---|
| Age in years | 2.9 | 1.8 |
| Number of employees | 5.3 | 3.0 |
| Total assets | $455,280 | $29,982 |
| Total revenues | $325,481 | $0 |

The median crowdfunding offering was by an issuer that was incorporated approximately two years earlier and that employed about three people. The median issuer had total assets of approximately $30,000 and no revenues (just over half of the offerings were by issuers with no revenues). Approximately ten percent of offerings were by issuers that had attained profitability in the most recent fiscal year prior to the offering.

Small businesses often face significant financing constraints.[39] Financing constraints make firms more vulnerable to economic downturns and other adverse shocks.[40]

Table 2 summarizes amounts sought and capital reported raised in offerings under Regulation Crowdfunding since its inception through the end of 2019 (the most recently completed full calendar year of data).

TABLE 2—REGULATION CROWDFUNDING OFFERING AMOUNTS AND REPORTED PROCEEDS, MAY 16, 2016–DECEMBER 31, 2019

| | Number | Average | Median | Aggregate |
|---|---|---|---|---|
| Target amount sought in initiated offerings | 2,003 | $63,791 | $25,000 | $126.9 million. |
| Maximum amount sought in initiated offerings | 2,003 | 599,835 | 535,000 | 1,174.2 million. |
| Amounts reported as raised in completed offerings | 795 | 213,678 | 106,900 | 169.9 million. |

During that period, based on the analysis of EDGAR filings, we estimate that 2,003 offerings were initiated, seeking an aggregate target amount of $126.9 million and up to an aggregate maximum amount of $1,174.2 million, and 795 offerings reported aggregate proceeds of $169.9 million.[41]

The baseline also includes the recent and ongoing effects of the disruption to

[37] For a more detailed discussion, *see* Facilitating Capital Formation and Expanding Investment Opportunities by Improving Access to Capital in Private Markets (Mar. 4, 2020), Release No. 33–10763 [85 FR 17956 (Mar. 31, 2020)]; Report to the Commission: Regulation Crowdfunding (Jun. 18, 2019), available at: *https://www.sec.gov/files/regulation-crowdfunding-2019_0.pdf* (''2019 Regulation Crowdfunding Report'').

[38] The estimates are based on data from Form C or the latest amendment to it and exclude withdrawn offerings.

[39] Small businesses often lack access to securities markets and rely on personal savings, business profits, personal and business credit, and friends and family as sources of capital. *See* U.S. Department of Treasury (2017) A Financial System That Creates Economic Opportunities: Banks and Credit Unions, June 2017, *https://www.treasury.gov/press-center/press-releases/Documents/A%20Financial%20System.pdf* (''Treasury Report''). According to one study relying on the data from the 2014 Annual Survey of Entrepreneurs, approximately 64 percent of small businesses relied on personal or family savings, compared to 0.6 percent receiving VC capital. About one-third of businesses used banks and other financial institutions as a source of capital for financing business operations in 2014. A significant share of businesses that established new funding relationships continued to have unmet credit needs. *See* Alicia Robb (2018) Financing Patterns and Credit Market Experiences: A Comparison by Race and Ethnicity for U.S. Employer Firms, *Working Paper. See also* Alicia M. Robb and David Robinson (2014) The Capital Structure Decisions of New Firms, *Review of Financial Studies* 27(1), 153–179 (showing that, while entrepreneurial firms frequently rely on outside loans, outside equity use is uncommon); Rebel Cole and Tatyana Sokolyk (2013) How Do Start-Up Firms Finance Their Assets? Evidence from the Kauffman Firm Surveys, *Working Paper* (showing, based on the 2004 Kauffman Firm Survey, that at start-up 76 percent of firms relied on credit, including 24 percent that used trade credit, 44 percent—business credit, and 55 percent—personal credit (percentages do not add up to 100 percent because firms may use multiple types of credit)).

[40] Studies of the 2008–2009 financial crisis have documented disproportionate impacts of the crisis on the outcomes and employment of financially constrained small businesses. *See, e.g.,* Michael Siemer (2019) Employment Effects of Financial Constraints during the Great Recession, *Review of Economics and Statistics* 101(1), 16–29; Arthur Kennickell, Myron Kwast, and Jonathan Pogach (2017) Small Businesses and Small Business Finance during the Financial Crisis and the Great Recession: New Evidence from the Survey of Consumer Finances, In: J. Haltiwanger, E. Hurst, J. Miranda, and A. Schoar (Eds.), *Measuring Entrepreneurial Businesses: Current Knowledge and Challenges,* University of Chicago Press, 291–349; Burcu Duygan-Bump, Alexey Levkov, and Judit Montoriol-Garriga (2015) Financing Constraints and Unemployment: Evidence from the Great Recession, *Journal of Monetary Economics* 75, 89–105. Various studies of traded small-cap companies show that small firms, which tend to be most financially constrained, are disproportionately affected by downturns or tightening credit conditions. *See, e.g.,* Gabriel Perez-Quiros and Allan Timmermann (2000) Firm Size and Cyclical Variations in Stock Returns, *Journal of Finance* 55(3), 1229–1262 (showing that ''small firms display the highest degree of asymmetry in their risk across recession and expansion states, which translates into a higher sensitivity of their expected stock returns with respect to variables that measure credit market conditions''); Murillo Campello and Long Chen (2010) Are Financial Constraints Priced? Evidence from Firm Fundamentals and Stock Returns, *Journal of Money, Credit, and Banking* 42(6), 1185–1198 (finding that financially constrained firms' business fundamentals are significantly more sensitive to macroeconomic movements than unconstrained firms' fundamentals). *See also* Eugene Fama and Kenneth French (1993) Common Risk Factors in the Returns on Stocks and Bonds, *Journal of Financial Economics* 3, 3–56.

[41] Issuers that have not raised the target amount or not filed a report on Form C–U are not included in the estimate of proceeds. *See also* 2019 Regulation Crowdfunding Report, at 15, footnote 40.

the U.S. and global economy related to COVID–19, interventions aimed at mitigating its effects, and adverse changes in macroeconomic and financing market conditions (collectively referred to as ''the shock'' or ''the COVID–19'' shock below). As part of the baseline, small businesses eligible under the existing rules have been facing and are expected to continue to face significant adverse effects of the shock, including, but not limited to, declines in consumer demand and revenues, particularly in consumer-facing industries, such as restaurants, recreation/lifestyle, and retail [42] (*e.g.,* as a result of changes in consumer confidence, commuting and travel patterns, declines in purchasing power, and explicit restrictions on the operation of certain businesses); disruptions to workforce and supply chains; and declines in investor sentiment that affect the availability of financing, valuations, and potential for exits.[43] At the same time, small issuers eligible under the temporary rules may also qualify for emergency relief under other economic assistance programs, which may mitigate some of the adverse impacts described above and the financing constraints stemming from the shock.[44]

We expect the temporary rules to affect issuers, intermediaries, and investors in Regulation Crowdfunding offerings. As of December 2019, we estimate that 1,827 issuers initiated 2,003 Regulation Crowdfunding offerings, excluding withdrawn offerings.[45] As discussed below, eligibility criteria of the temporary rules exclude (1) issuers that were organized and had operations for less than six months prior to the commencement of the offering and (2) issuers that were not compliant with Regulation Crowdfunding requirements with regard to any prior offerings in which they sold securities.

Turning to the first eligibility requirement, historical data provides an indication of the potential share of offerings eligible for temporary relief among all offerings: From inception of Regulation Crowdfunding through the end of December 2019, we estimate that 1,537 (approximately 77 percent) offerings were initiated by 1,407 eligible issuers.[46]

We lack the data or a methodology to predict how many issuers will be rendered ineligible as a result of the second eligibility requirement because it is difficult to estimate the percentage of prior Regulation Crowdfunding issuers that will seek to conduct a follow-on offering and that were not compliant with one or more of the requirements of Regulation Crowdfunding with regard to a prior offering in which they sold securities. Based on historical data, this percentage may be modest because relatively few Regulation Crowdfunding issuers have initiated follow-on offerings in the past. We estimate that, from inception through the end of 2019, there were 149 repeat Regulation Crowdfunding issuers, including 116 such issuers that had reported successful completion of at least one Regulation Crowdfunding offering on Form C–U as of the end of 2019.[47]

Staff's experience with, and analysis of, filings has revealed differences among issuers' compliance with financial statement requirements, the requirement to file an annual report on Form C–AR (for issuers that have sold securities under the exemption and have not terminated their reporting obligations), and the requirement to file a final progress update on Form C–U.[48] We further recognize that the rate of participation of repeat issuers based on historical Regulation Crowdfunding data may underestimate the rate of repeat issuers likely to seek capital under Regulation Crowdfunding while the temporary rules are in effect because: (1) Follow-on Regulation Crowdfunding offerings have become more frequent in the latter part of the historical sample period since more initial offerings had been conducted, and we expect the number of repeat issuers to continue to increase as time elapses and more issuers, intermediaries, and investors gain experience with Regulation Crowdfunding; (2) financing needs of issuers affected by the shock may be greater than predicted by historical data, leading to increased reliance on follow-on external financing, compared to historical rates; and (3) the relief provided by the temporary rules may make a Regulation Crowdfunding offering a more attractive and viable financing alternative for small issuers.

We estimate that, as of the end of 2019, there were 45 registered funding portals, excluding funding portals that had withdrawn their registration. In addition, 16 registered broker-dealers have participated in crowdfunding offerings, excluding withdrawn offerings. Information on the number of investors per offering is not available for the full sample of Regulation Crowdfunding offerings, and it is not required to be reported in progress updates on Form C–U.[49]

We are unable to predict the number of issuers likely to rely on the temporary rules while they are in effect. On the one hand, the number of issuers seeking capital under Regulation Crowdfunding may exceed the estimates based on extrapolation from historical data because of the significant increase in small businesses' external financing needs as a result of the economic shock of COVID–19. Further, the flexibility and offering process efficiencies afforded by the temporary rules may draw additional issuers to Regulation Crowdfunding.

On the other hand, some issuers eligible under the temporary rules, particularly better established issuers or issuers that are more connected to angel investors, may choose to pursue another exempt offering, such as an offering under 17 CFR 230.506 (Rule 506 of Regulation D), to meet their financing needs. Other such issuers may choose to pursue a Regulation Crowdfunding offering but forgo the temporary relief in an attempt to send a favorable signal of their financial soundness in the face of the COVID–19 shock to prospective investors. The latter point may not be as significant for the likelihood of issuer uptake of the temporary relief to the extent that issuers not reliant on the temporary relief may still have to disclose material information about

[42] *See, e.g.,* Devin Thorpe (2019) Startup Restauranteurs Find Willing Investors via Crowdfunding, *Forbes,* September 28, 2019, and 2019 US Equity Crowdfunding Stats—Year in Review, available at: *https://crowdwise.org/funding-portals/2019-equity-crowdfunding-stats-data/.*

[43] *See supra* note 2.

[44] *See infra* note 50 and accompanying text.

[45] These figures are based on the three-and-a-half-year period since inception of Regulation Crowdfunding, with offering activity accelerating in the second half of the sample period. It is difficult to predict how many of the past issuers will conduct a follow-on offering in reliance on the relief as well as how existing market conditions, which affect both supply and demand of capital, will affect the flow of new crowdfunding offerings relative to historical data, thus it is difficult to extrapolate from these numbers the flow of new crowdfunding offerings projected during the approximately four-month time frame during which temporary relief will be available.

[46] In addition, we recognize that many of the issuers that initiated past Regulation Crowdfunding offerings as of the end of 2019 may meet the six-month eligibility criterion as of the effective date of the temporary rules, should they wish to avail themselves of the temporary relief for a follow-on offering under Regulation Crowdfunding.

[47] This figure likely provides a lower bound on the number of issuers that have initiated a follow-on offering after successfully completing a prior offering due to incomplete reporting of offering proceeds on Form C–U. *See supra* note 41.

[48] *See* 2019 Regulation Crowdfunding Study, at 28.

[49] *See* 2019 Regulation Crowdfunding Report, at 21, footnote 54 and accompanying text. According to one industry report, the total number of investors in successful offerings increased from 77,558 in 2017 to 147,448 in 2018.

business and financial risks, including as a result of the COVID–19 shock, in their offering and periodic disclosures. The prominent disclosures of offering process and disclosure accommodations that an issuer is relying upon under the temporary rules due to being impacted by COVID–19 may cause some investors to forgo investing in those offerings out of concern about business risk, which may in turn deter some issuers from relying on the temporary rules. Further, some small businesses eligible under the temporary rules also may be eligible for other emergency relief or financial assistance,[50] which may reduce their reliance on the temporary rules.

*B. Conditions of the Temporary Rules: Eligibility Criteria and Disclosure of Reliance on Temporary Relief*

The temporary rules include several conditions for using the relief. First, to be eligible under the temporary rules, issuers must have been organized and had operations for at least six months prior to the commencement of the offering. This condition is intended to target relief towards issuers that were in existence prior to the COVID–19 shock and suffered its adverse effects on their business, resulting in a need for financing to be raised on an expedited basis. This provision will prevent more recently formed issuers from realizing the benefits of the temporary relief, which could limit the benefits of the rule on capital formation and efficiency. As discussed above, from inception through the end of 2019, we estimate that 77 percent of offerings were initiated by issuers that would have met this eligibility criterion.[51]

We recognize that some issuers that are organized within six months prior to the offering, and thus ineligible under the temporary rules, may also experience adverse effects of the shock, including being unable to raise adequate financing in an initial crowdfunding offering or experiencing challenges in executing their business plan as a result of the shock. This eligibility condition might place newly organized issuers at an incremental competitive disadvantage. Issuers whose age is approaching six months might postpone the offering until they are eligible under the temporary rules. Generally, any effect of this provision on competition is likely limited compared to such issuers' potential competitive disadvantage stemming from limited investor recognition as a result of being recently formed and having a limited track record.

Second, issuers that previously sold securities in a Regulation Crowdfunding offering and were not in compliance with Regulation Crowdfunding requirements are not eligible to rely on the temporary rules. To the extent that an expedited offering process might incrementally reduce the ability of investors to analyze information about the offering, the exclusion of such previously noncompliant issuers from an expedited offering process is expected to mitigate potential effects on investors and reinforce investor protection. This condition may also incrementally incentivize issuers to remain compliant with Regulation Crowdfunding requirements, further strengthening investor protection. As a result of the provision, some issuers that have failed to comply with Regulation Crowdfunding requirements will not realize the benefits of the temporary rules, which would incrementally limit the capital formation benefits of the temporary rules. Some of the noncompliance might be due to the issuer's lack of securities market experience and inability to afford outside securities counsel and a dedicated accounting staff to prepare compliant offering materials or ongoing disclosure, rather than intentional noncompliance. However, we believe that applying the exclusion to noncompliant issuers that had raised capital in a prior offering appropriately balances such considerations with the need to preserve investor protection, particularly in an environment of heightened market risk.

Relatedly, the temporary rules amend the intermediary requirements of Rule 301 and specify that intermediaries must have a reasonable basis for believing that an issuer seeking to rely on the temporary rules that has previously sold securities in a Regulation Crowdfunding offering has complied with the requirements of Regulation Crowdfunding. This provision is expected to reinforce the investor protection benefits of the described eligibility condition while imposing an incremental cost on intermediaries that facilitate offerings reliant on the temporary rules. The provision that allows intermediaries to rely on the representations of the issuer concerning compliance, unless the intermediary has reason to question the reliability of those representations, is expected to moderate the economic effects of this intermediary requirement.

Third, the temporary rules specify that a condition to each aspect of the temporary relief is clear disclosure to investors with respect to the issuer's reliance on the temporary relief. Relatedly, the temporary rules make conforming amendments to intermediary requirements to ensure that investors are apprised of issuer reliance on the temporary rules. By conveying the fact that certain offering process mechanics may differ from those of a typical Regulation Crowdfunding offering, as well as the fact that the issuer is being affected by COVID–19, this disclosure requirement is expected to benefit investors and allow them to make a better informed investment decision. Further, to the extent that it provides clarity as to the modified offering process terms, it is expected to facilitate competition for investor capital among issuers that rely on the temporary relief and issuers that are ineligible for, or choose not to rely on, the temporary relief. We recognize that some investors may fail to fully consider the described disclosure when making their investment decisions. However, the incremental effects of this failure to fully factor in the issuer's reliance on temporary relief may be modest given the continued application of other essential investor protection safeguards and the fact that, under the baseline, these same investors may fail to fully process information contained in other substantive disclosures under Regulation Crowdfunding and materials about the offering process.

Finally, the relief under these rules is limited to eligible issuers seeking to conduct a Regulation Crowdfunding offering on an expedited basis due to circumstances relating to COVID–19 during the period specified in the temporary rules. The time-limited, tailored nature of the relief is expected to limit the aggregate economic effects of the rule while also targeting the benefits to small issuers that are most affected by the shock.

We have considered alternatives to the described conditions of the temporary rules. As an alternative, we could relax the issuer age requirement (*e.g.,* removing the requirement for the issuer to have operations or shortening the period from six to three months) or waive it but preserve the exclusion of noncompliant issuers in prior offerings. As another alternative, we could extend

[50] *See* COVID–19 Resources for Small Businesses, *https://www.sec.gov/page/covid-19-resources-small-businesses.*

[51] The fraction of offerings eligible based on this criterion is estimated, given data availability, on the basis of the issuer having been organized for at least six months as of the initial Form C filing and having reported positive cash or other assets, revenues, net profits, employees, debt, cost of goods sold, or taxes paid for the most recent fiscal period shown in the initial Form C filing. *See supra* note 9. We recognize that this estimate may not be a precise reflection of the number of eligible issuers to the extent that an issuer may have had operations over the past six months but may not yet have reported positive financial statement activity based on the above metrics.

the relief under the temporary rules to all first-time Regulation Crowdfunding issuers or to all issuers below a certain size, such as $1 million in total assets. These alternatives could expand the capital formation benefits compared to the temporary rules and extend the benefits to a larger pool of financially constrained issuers that may seek capital on an expedited basis from retail investors. As of the end of 2019, we estimate that 78 percent of offerings were by issuers organized at least six months and 86 percent of offerings—by issuers organized at least three months—prior to the initial Form C filing for that offering, irrespective of whether they had operations; 91 percent of offerings were by first-time crowdfunding issuers; and 93 percent of offerings were by crowdfunding issuers with total assets below $1 million (these are overlapping subsets of issuers). However, relaxing or waiving the issuer age requirement or extending the relief to all initial Regulation Crowdfunding offerings would result in offering process and disclosure relief being temporarily extended to less well-known issuers with shorter track records, potentially increasing risks to investors and adverse selection, compared to the temporary rules.

As another alternative, we could waive the requirement to prominently disclose reliance on the relief as a condition of using the relief provided in the temporary rules. Compared to the temporary rules, this alternative may increase the attractiveness of the relief to prospective Regulation Crowdfunding issuers and decrease issuer concerns about prominently signaling to investors the vulnerability of their business to the effects of COVID–19 (however, issuers not relying on the temporary relief may have to disclose some related information about the effects of COVID–19 in offering materials and periodic reports if it materially affects the risks facing their business), and the modified information and offering process requirements of their offering. At the same time, by failing to provide relevant disclosure to investors about material modifications to offering process and disclosures applicable to a given offering, this alternative may result in less informed investor decisions, compared to the temporary rules.

As another alternative, we could shorten or extend the period of the temporary relief. Such an alternative would decrease or increase, respectively, the aggregate economic effects of the rules and the number of issuers eligible to qualify for the relief, compared to the temporary rules.

*C. Temporary Relief From Certain Financial Information Requirements*

1. Temporary Omission of Financial Statements From Initial Form C Filing

The temporary rules provide flexibility for eligible issuers to assess the probable interest in a Regulation Crowdfunding offering prior to preparation of full offering materials that include financial statement information.[52] The temporary rules are expected to benefit issuers by allowing greater flexibility to communicate with prospective investors about the contemplated offering and to gauge market interest prior to incurring the full cost of preparation of financial statement disclosures. The temporary rules are expected to particularly benefit prospective issuers that do not have current financial statements available and that may otherwise find it difficult to prepare the required financial statements in order to launch a timely offering. This is expected to have favorable incremental effects on capital formation and the efficiency of the capital raising process for eligible issuers that choose to rely on this provision. These benefits are expected to be particularly important in the current environment of increased market uncertainty as a result of the COVID–19 shock, which can make it more difficult for issuers to gauge prospective investor demand for their offering. Further, issuers with binding financing constraints and scarce cash reserves may hesitate to incur the upfront costs of preparation of financial statement disclosures for an offering that may fail to draw prospective investor interest. Among various issuers eligible under the temporary rules, this benefit is likely to be especially valuable for smaller, less well known, and first-time issuers that may not have financial statement disclosures otherwise available and that may lack an accurate understanding of prospective investor demand for their securities, have a high degree of information asymmetry, or operate in lines of business characterized by a considerable degree of uncertainty and/or more pronounced effects of the COVID–19 shock.

If, after communicating with investors, the issuer is not confident that it would attract sufficient investor interest, the issuer could amend offering plans or the target amount of the offering, reconsider the contemplated offering structure and terms, postpone the offering, or explore alternative methods of raising capital. The temporary rules may attract some eligible issuers that may be uncertain about the prospects of raising investor capital through a Regulation Crowdfunding offering, thus potentially promoting competition for investor capital as well as capital formation in this market segment. The temporary rules are expected to reduce uncertainty about whether a Regulation Crowdfunding offering could be completed successfully before the issuer incurs the costs of preparing financial statement disclosures. While this provision can reduce the risk of a failed offering after an issuer has incurred financial statement costs, an issuer that solicits interest on the basis of a public filing of an initial offering circular may still incur some reputational costs of failure to attract sufficient investor commitments.

We recognize that there may also be potential costs associated with the temporary rules. In particular, if financial statement information is omitted at the investor interest solicitation stage, it may result in an incomplete representation of the risk of an offering. If investors later fail to read the offering circular that is subsequently amended to include financial information disclosures before making the investment decision, they may make less informed investment decisions. In the specific context of the COVID–19 shock, to the extent that issuer financial disclosures are historical in nature (although issuers must disclose certain material subsequent events in the notes to financial statements), such disclosures may be relatively less meaningful for purposes of assessing the current financial condition and future growth prospects of an issuer that has experienced significant adverse effects of the COVID–19 shock. In some cases, investors may be members of a local community that know the business well, which may give them insight into the issuer's prospects during and after the COVID–19 shock. Further, historical financial disclosures may be incrementally less meaningful for evaluating the business of a relatively recently formed or development-stage issuer (*e.g.,* an issuer organized more than six months but less than a year prior to the commencement of an offering or an issuer that has not yet developed substantial business operations). Finally, intermediaries for issuers relying on the temporary rules would not be allowed to accept investor commitments until financial information disclosures are provided.

Overall, potential investor protection concerns discussed above are expected to be substantially alleviated by several factors: The application of the anti-fraud

[52] *See* temporary Rule 201(z)(2).

provisions of the Federal and state securities laws;[53] prominent disclosures to investors regarding reliance on the temporary rules; the requirement that financial disclosures be available before investor commitments may be accepted, providing investors (and the Commission) with the ability to review financial information; the availability of investor education materials required to be provided by crowdfunding intermediaries before investing; the continued application of other provisions of Regulation Crowdfunding, including ones expected to provide additional investor protection, such as investment limits, offering limits, crowdfunding intermediary obligations to take measures to reduce the risk of fraud and other intermediary requirements, periodic reporting requirements, and issuer eligibility restrictions; and the reputational incentives of issuers and intermediaries, as well as the potential risk of litigation.

Because the filing of the initial offering circular used to solicit investor interest will be a requirement, this provision will provide information to investors and allow them to compare the initial offering circular with any amended offering statement disclosures, leading to potentially more informed investment decisions. In addition, the requirement in the temporary rules that the initial offering circular used to solicit investor interest contain all offering disclosures as specified in Regulation Crowdfunding, except financial statement information, is expected to maintain investor protection. Moreover, prominent disclosure regarding reliance on the temporary rules that reminds investors to review the amended offering circular augmented with financial disclosures, also required to be filed, is expected to encourage investors to make informed decisions after considering the full financial picture of the issuer.

As an alternative to the temporary rules, we could permit eligible issuers to avail themselves, on a temporary, conditional basis, of the option to engage in a broader range of pre-offering communications than what is permitted under the temporary rules, such as by allowing pre-filing solicitations of interest. Such an alternative would afford greater flexibility to issuers and potentially result in larger capital formation benefits, compared to the temporary rules. However, we believe that a more limited approach is appropriate in the context of temporary, conditional relief we are adopting to assist issuers affected by the COVID–19 shock.

2. Temporary Relief From the Review Report Requirement for Smaller Offerings

As discussed in Section III above, we are providing temporary, conditional exemptive relief from the independent accountant review report requirement to issuers in Regulation Crowdfunding offerings of up to $250,000, inclusive of amounts sold in the prior 12 months, in reliance on Regulation Crowdfunding. Under the existing rules, issuers are not required to submit an independent accountant's review report if they are offering up to $107,000. Issuers seeking to conduct an offering under Regulation Crowdfunding in excess of $107,000 at this time may be facing challenges in obtaining reviewed financial statements in a time frame that would be helpful to an issuer with immediate capital needs due to the COVID–19 shock. By allowing issuers to gain more timely access to capital, the temporary rules are expected to facilitate capital formation and benefit eligible issuers affected by the COVID–19 shock that may be facing unexpected financing constraints or delays in raising capital due to a temporary inability to retain an independent accountant.[54] Temporary Rule 201(z)(3) allows eligible issuers in offerings of up to $250,000, rather than $107,000, to provide financial statements and certain information from the issuer's Federal income tax returns, both certified by the principal executive officer, in accordance with Rule 201(t)(1) requirements, if reviewed or audited financial statements of the issuer are not then available.

We expect this relief to allow issuers to raise capital without incurring costs and delays involved in an independent accountant's review of their financial statements. This may incrementally enhance the efficiency of conducting the offering and yield capital formation benefits for eligible issuers that find themselves financially constrained and in need of financing in excess of $107,000 but up to $250,000 on an expedited basis as a result of the COVID–19 shock. To the extent that issuers relying on the relief under these temporary rules are likely to be small businesses, this provision is expected to incrementally promote competition between such smaller issuers and larger issuers.

The upfront costs of obtaining a review report may be nontrivial for small issuers, particularly issuers experiencing declines in internal cash flows as a result of the COVID–19 shock. Available filing data does not allow us to estimate the cost of obtaining a review report. In the 2015 Regulation Crowdfunding Adopting Release, the Commission estimated review costs to be approximately $1,500 to $18,000.[55] We also consider more recent information about the costs of a review report available from commenters and industry sources. For example, one industry source estimates the cost of a review as $2,000 to $2,450 for a single-owner LLC/S-Corp/Sole Proprietor issuer that has not previously had a review or audit but is in possession of full financial records.[56] If the same single-owner issuer that has not previously had a review or audit instead tracks financials in a spreadsheet format (*e.g.,* because it lacks an in-house accountant), the same source estimates the review cost as approximately $2,400 to $2,950.[57] A commenter on the 2019 Harmonization Concept Release[58] states that it has ''interviewed dozens of CPA firms and found that the average cost of reviewing a company that has two years of financial history is at least $6,000'' and that ''[f]or a company with no history, this quote (from many CPA firms) has been in the $1,500 to $2,500 range.''[59]

It is difficult to estimate how many of the eligible issuers will elect to avail themselves of this relief. Based on data from inception through the end of 2019, we estimate that 59 offerings by eligible issuers (76 offerings by all issuers, irrespective of age) sought above $107,000 but no more than $250,000.[60]

[53] The initial offering circular used to solicit investors under the temporary rules will continue to be treated as an offer of securities.

[54] This may be a particularly salient concern for small issuers that sought to use an individual Certified Public Accountant (''CPA'') or a small accounting firm to obtain a review report as such accounting firms' operations and business may themselves be adversely impacted by the COVID–19 shock, resulting in potential reductions in service, extended delays, and additional costs for small issuers that require a review report.

[55] *See* Crowdfunding, Release No. 33–9974 (Oct. 30, 2015) [80 FR 71387 (Nov. 16, 2015)] (''2015 Regulation Crowdfunding Adopting Release''), at 71499.

[56] *See* CrowdfundCPA Crowdfunding Audit/Review Cost Calculator, available at: *http://crowdfundcpa.com/cost-estimate--calculator.html* (retrieved April 22, 2020). These are estimates based on a hypothetical issuer. Costs may vary depending on the accountant and the issuer's circumstances.

[57] *See id.*

[58] *See* Concept Release on Harmonization of Securities Offering Exemptions, Release No. 33–10649 (Jun. 18, 2019) [84 FR 30460 (Jun. 26, 2019).

[59] *See* Letter from Mainvest (Sep. 24, 2019), available at: *https://www.sec.gov/comments/s7-08-19/s70819-6193357-192513.pdf.*

[60] The above counts are based on XML data in Form C filings. *See supra* note 51 for the definition of eligible issuers. Amounts sought are based on

Continued

It is possible that some of the issuers within the eligible range will forgo reliance on the temporary rules in order to more credibly signal to prospective investors the quality of their financial disclosures. From a costly signaling standpoint, eligible issuers with lower information asymmetries or higher potential might incur the review report cost in order to differentiate themselves from eligible issuers that choose to provide a principal executive officer certification with their financial disclosures in lieu of a review report. This might introduce adverse selection among eligible issuers that choose to avail themselves of the relief from the review report requirement in reliance on the temporary rules, which in turn might limit investor willingness to back such offerings and moderate the capital formation benefits of the temporary relief. At the same time, such quality-based separation may not occur if the business and cash flow disruptions due to the COVID–19 shock cause a number of both low- and high-potential eligible issuers to be unable to incur the upfront costs and delays associated with obtaining a review report and thus elect to forgo it. Further, if the market volatility and recent business disruptions due to the COVID–19 shock effectively render historical financial disclosures and associated proxies for their reliability less relevant for projecting an issuer's future growth potential, risks, and cash flows, a review report may become a noisier and less informative signal of quality for affected issuers.

We recognize that the number of issuers seeking up to $250,000 in reliance on the temporary rules may be greater than suggested by the historical data on the distribution of Regulation Crowdfunding offering amounts if the exemptive relief from the review report requirement under the temporary rules leads issuers that would otherwise cap their offering size at a lower threshold under the existing rules (to avoid the costs of a review report) to offer a larger amount in reliance on the temporary rules. For example, there was some bunching around the review report threshold in the historical distribution of offerings as of December 2019, with an estimated 275 offerings by eligible issuers (356 offerings by all issuers) seeking amounts equal to the review report offer size threshold that was in effect at the time of the offering.[61] Some of the issuers in that category might elect to avail themselves of the temporary rules and seek larger amounts up to $250,000 under the temporary rules.

Although a review report provides a more limited level of assurance compared to an audit report, reviewed financial statements confer valuable informational benefits to investors.[62] Thus, temporarily exempting a broader range of issuers from the review report requirement, particularly in an environment of heightened market uncertainty, may result in less information for investor decisions and additional risks to investor protection. Exemptive relief from the review report requirement might weaken the incentives of some issuers to provide compliant financial statement disclosures since they no longer would be required to undergo a review by an independent accountant and to provide such a report to investors, resulting in potentially less informative financial disclosures provided to investors in affected offerings. For example, some financial statement disclosures provided by issuers below the existing review report threshold are not prepared in a U.S. GAAP-compliant manner.[63] As discussed above, however, in the specific context of the COVID–19 shock, to the extent that issuer financial disclosures are historical in nature, such disclosures might be relatively less meaningful for purposes of assessing the current financial condition and growth prospects of an issuer that was financially sound but has experienced significant adverse effects as a result of the COVID–19 shock. Further, historical financial disclosures may be incrementally less meaningful for evaluating the business of a recently formed or development-stage issuer.[64]

Importantly, several provisions of the temporary rules are expected to mitigate potential risks to investors. Issuers relying on the temporary rules must still provide financial statement disclosures at the time of the offering, certified by the principal executive officer. Further, an issuer relying on this temporary rule would be required to provide prominent disclosure to that end. Moreover, temporary exemptive relief from the review report requirement does not preclude liability in instances of materially misleading financial disclosures provided at the time of the offering, and general anti-fraud provisions and liability for offers under Regulation Crowdfunding will continue to apply. Finally, as discussed in Section VI.A above, the remaining investor protections of Regulation Crowdfunding would generally continue to provide significant safeguards for investors in offerings reliant on the temporary rules.

We have considered several alternatives to the temporary rules. The temporary rules provide exemptive relief from the review requirement for qualifying offerings by eligible issuers. As one alternative, we could implement a temporary deferral (*e.g.,* for 90 days after the closing of the offering), rather than a waiver of the review report requirement for qualifying offerings.

data either in the initial Form C filing, or the latest amendment to it at the offering level, if the offering has been amended. Withdrawn offerings are excluded. The above estimates are calculated at the offering level and do not adjust for issuers with follow-on offerings within 12 months of prior financing raised under Regulation Crowdfunding. In cases of offerings that accept oversubscriptions, the maximum offer amount is used to estimate the number of issuers eligible under the temporary rules. *See also supra* note 45 and accompanying and following text.

[61] The above counts are based on XML data in Form C filings. *See id.* The estimates consider offerings with offer size of $107,000 in the period following the April 2017 amendments and offerings with offer size of $100,000 in the period prior to the amendments. *See* Inflation Adjustments and Other Technical Amendments under Titles I and III of the JOBS Act (Technical Amendments; Interpretation), Release No. 33–10332 (Mar. 31, 2017) [82 FR 17545 (Apr. 12, 2017)].

[62] *See, e.g.,* Brad Badertscher, Jaewoo Kim, William Kinney, and Edward Owens (2018) Verification Services and Financial Reporting Quality: Assessing the Potential of Review Procedures, *Working Paper* (''[b]oth reviews and audits yield significantly better reporting quality scores and lower cost of debt than zero-verification compilations. However, model-based reporting quality scores of reviews and audits are indistinguishable statistically, on average. Regarding broader economics, we find that relative to compilations, reviews yield more than half the added interest rate benefit associated with an audit, at considerably less than half the added cost. Overall, our results suggest reviews may provide a cost-effective verification alternative to audits, and the potential of analytical procedures warrants more attention by audit researchers and regulators.'')

[63] *See, e.g.,* Letter from CrowdCheck (Oct. 30, 2019) commenting on the 2019 Harmonization Concept Release, available at: *https://www.sec.gov/comments/s7-08-19/s70819-6368811-196431.pdf* (stating that its belief that ''the larger concern for Regulation CF is the fact that, as we discovered in the course of the Compliance Survey, issuers making offerings for under $107,000 do not appear to be producing financial statements in a format anything close to GAAP'').

Separately, one of the intermediary respondents to the Regulation Crowdfunding survey stated that ''smaller issuers that do not have reviewed or audited financial statements may find it difficult to prepare a statement of changes of equity, because the typical accounting software does not print it automatically. This respondent stated that these issuers also often have trouble accurately preparing a cash flow statement or accounting for stock issuances or issuances of stock options and warrants.'' *See* 2019 Regulation Crowdfunding Report, at 32.

[64] *See, e.g.,* Letter from Mainvest (stating that ''a company with no operating history simply does not have historical financial information that can be reviewed. Issuers on our platform unfortunately are required to get CPA reviews of a balance sheet with almost no zeros [*sic*]. This adds practically no value to investor protections and significantly increases up-front costs to companies.'').

Compared to the temporary rules, such an alternative would result in significantly more modest benefits for issuers, which would still have to incur the costs of a review report (as discussed above, such costs may be nontrivial compared to the typical amounts of offering proceeds). Obtaining a review report, even after a deferral, may be challenging for issuers facing significant financing constraints as a result of the COVID–19 shock. This alternative might lead fewer issuers to rely on the temporary relief and result in smaller capital formation benefits, compared to the temporary rules. Compared to the temporary rules, the review report required under this alternative would provide informational benefits to investors (especially since reviewed financial statements are not required in annual reports unless otherwise available) and on the margin could incentivize issuers to provide investors with compliant and accurate financial disclosures at the time investors make an investment decision. However, because Regulation Crowdfunding securities have transferability restrictions and generally are not traded in a secondary market, the benefits of a review report provided *ex post* to investors might be relatively limited since investors cannot readily use this information to divest or reallocate their investment in crowdfunding securities.[65]

As a different alternative, we could lower (increase) the offering size threshold used in conjunction with the temporary relief for issuers eligible under the temporary rules or for all issuers eligible under Regulation Crowdfunding. Table 3 below summarizes the potential effects of these alternatives based on historical data on offering size distribution.[66]

TABLE 3—POTENTIAL NUMBER OF OFFERINGS ELIGIBLE FOR TEMPORARY RELIEF FROM THE REVIEW REPORT REQUIREMENT UNDER ALTERNATIVE OFFERING SIZE THRESHOLDS [67]

| Offerings seeking above $107,000 and up to | Offerings by eligible issuers | Offerings by all issuers |
|---|---|---|
| $200,000 ... | 33 | 44 |
| $250,000 ... | 59 | 76 |
| $300,000 ... | 96 | 125 |
| $400,000 ... | 140 | 183 |
| $500,000 ... | 248 | 324 |

As noted above, the number of issuers electing to avail themselves of the relief under such alternatives may exceed the number of affected issuers on the basis of historical data if issuers previously seeking amounts equal to the review report threshold elect to increase offering size as a result of the relief. Compared to the temporary rules, the alternatives of lowering (increasing) the offering size threshold would decrease (increase) the number of issuers eligible for the review report exemption and the resulting capital formation and efficiency benefits but also lead to a smaller (larger) aggregate reduction in the information available to investors.

*D. Temporary Suspension of Certain Timing Requirements for Offerings Under Regulation Crowdfunding*

The temporary rules provide eligible issuers with greater flexibility to close a Regulation Crowdfunding offering early and access capital sooner than would be possible in the absence of the temporary relief.

1. Temporary Suspension of 21-Day Requirement

Existing Rule 303 of Regulation Crowdfunding specifies that the information in an offering statement must be publicly available for at least 21 days before securities may be sold, although the intermediary may accept investment commitments during that time, as well as imposes a 21-day requirement with respect to the availability of issuer information when a funding portal is directing a qualified third party to transmit funds to an issuer. As discussed in Section IV above, in light of the need for expedited access to capital among small business issuers affected by the COVID–19 shock, the temporary rules we are adopting would replace the 21-day requirement with the requirement that the intermediary make the required issuer information publicly available on the online platform before securities are sold in the offering.[68] The intermediary will be allowed to accept investment commitments during the time such information is made available, but only if the issuer has provided complete financial information disclosures.[69] In addition, the temporary rules will waive the 21-day requirement in Rule 303(e)(3)(i) for funding portals with respect to directing a transmission of funds.

The temporary rules will provide faster access to capital for eligible issuers that are able to reach the target amount quickly, resulting in potential capital formation benefits and greater efficiency of the capital raising process for such issuers. It is difficult to predict how many issuers will be affected. While historical data suggests that the typical offering duration was longer than the 21-day period,[70] it is likely that these estimates may not be representative of the offering duration time frames sought by financially constrained issuers affected by the COVID–19 shock under the temporary rules that enable an expedited offering process. Some issuers absorbing unexpected significant shocks to their internal cash flows and carrying limited, if any, cash reserves,[71] might be facing binding liquidity constraints or risk of insolvency after a few weeks without additional funding, resulting in a heightened value of expedited access to capital.

We recognize that waiving the 21-day period may reduce the time afforded to investors to evaluate the information about the issuer before making the investment decision. It is important to note, however, that investors seeking to participate in an offering may continue to evaluate information about the offering after the offering begins accepting commitments and before the offering closes. Further, the requirement that all required disclosures be made available before the intermediary may begin accepting commitments is expected to enable investors to reach an informed decision. Finally, the requirement that prominent disclosure be provided to indicate that the offering is being conducted on an expedited basis is expected to inform investors about the modified offering process. Other important Regulation Crowdfunding safeguards, including extensive issuer disclosure requirements and most intermediary requirements of Regulation Crowdfunding, will continue to apply, as discussed in Section VI.A above.

As an alternative, we considered shortening rather than eliminating the

[65] *See* 2019 Regulation Crowdfunding Report, at 53–54.

[66] *See* supra note 60.

[67] *See id.*

[68] Market participants have indicated that these timing requirements, in light of business disruptions resulting from COVID–19, may make it difficult for issuers with urgent funding needs to make use of Regulation Crowdfunding to receive funds promptly. *See supra* note 2.

[69] *See* Section III.A for a discussion of an issuer's ability to omit financial statements pursuant to temporary Rule 201(z)(2).

[70] Based on the analysis of Form C data from inception of Regulation Crowdfunding through the end of 2019, we estimate that the average (median) duration of a Regulation Crowdfunding offering from initial Form C filing to offering deadline was approximately four months (three months).

[71] Based on the data from inception through the end of 2019, the median (average) Regulation Crowdfunding offering was made by an issuer with $4,655 ($78,867) in cash holdings.

21-day period. Compared to the temporary rules, preserving a waiting period before investment commitments may be accepted would provide less flexibility to financially constrained issuers to quickly access capital. At the same time, compared to the temporary rules, it would provide investors with additional time to evaluate information about the issuer. The incremental effect of such a provision for the ability of investors to make informed decisions about the offering is likely to vary across investors and issuers.

2. Temporary Changes to the Cancellation Process

Under the existing rules investors may rescind their commitment up until the final 48 hours of the offering (except in the event of a material change to the offering, where investors may rescind the commitment later on). As discussed above, the temporary rules would narrow the rescission window to 48 hours from the time of their investment commitment (or such later period as the issuer may designate), or a material change to the offering, if it occurs at a later time. Further, once an issuer has received binding investment commitments (that is, investment commitments for which the 48-hour cancellation period has run) covering the target offering amount, the issuer will be allowed to close the offering prior to the deadline identified in its offering materials, but the issuer would be required to provide the relevant disclosure to that effect and notice that the target offering amount has been met. The temporary rules would waive the requirement that the intermediary provide notice to investors at least five business days prior to the new offering deadline.

The temporary rules are expected to benefit eligible issuers by giving them the flexibility to close the offering and to receive access to the raised funds sooner, which may be particularly valuable for issuers facing unexpected financing constraints as a result of the COVID–19 shock. Reduced incidence of late investor commitment cancellations and the ability to more easily close an offering that has reached the target amount prior to the deadline can increase the efficiency of the offering process. As a result of expedited offering completion, we also expect the temporary rules to provide incremental benefits for capital formation and, to the extent that small issuers are relatively more likely to rely on these rules, we expect favorable effects on competition.

By restricting investor ability to rescind commitments, the temporary rules will reduce investor flexibility to adjust their crowdfunding investments based on supplemental information (other than a material change to the offering) arriving more than 48 hours after their commitment, including the flow of other investors' commitments and communications on the online platform that occur more than 48 hours after the investor's own commitment,[72] or based on changes in the investor's opinion of the issuer, financial circumstances, or other factors. Some investors that would have sought to cancel their commitment after 48 hours may find themselves unable to do so. We expect the prominent disclosure regarding the different cancellation process for issuers relying on the temporary rules to provide adequate notice to investors, allowing investors to adjust their initial commitment decisions accordingly. It is difficult to predict how a typical investor will adjust behavior in response to this change. Some investors may exercise greater caution with respect to the amount invested, hesitate to invest early in the offering, opting to observe the wisdom of the crowd, or be more inclined to cancel the commitment if the ''wisdom of the crowd'' (offering progress or communications from other investors on the online platform) within 48 hours of the commitment reveals mixed signals. Other investors may engage in more due diligence in light of the reduced ability to rely on the gradual accumulation of the wisdom of the crowd. These adjustments in investor behavior may also be affected by issuer choices with respect to offering duration and early closing of offerings. For example, the short offering duration or the possibility that an offering may close early may induce some investors to participate in an offering early on, which may counteract some of the conservatism discussed above. Thus, changes in investor behavior and their impacts on the likelihood of offering success and performance of crowdfunding investments are likely to vary across investors and issuers.

Besides the required disclosure of the modified cancellation process and the 48-hour period for rescission of commitments for any reason, the ability of investors to rescind commitments in the event of a material change to the offering will remain as a crucial investor protection. Further, as discussed in Section VI.A above, various safeguards will continue to apply to all Regulation Crowdfunding offerings, including offerings relying on the temporary rules, which is expected to mitigate potential effects of the temporary rules on the risk of investor losses.

It is difficult to predict how many issuers and investors will be affected by these changes. Information on amounts invested by investors in each offering is not available in required Regulation Crowdfunding disclosure. Based on a subset of data made available by one crowdfunding intermediary,[73] we find that: (i) Among all investor-initiated cancellations, the median and average cancellation time was approximately five and 25 days, respectively, and cancellations after 48 hours were relatively common (58 percent of investor-initiated cancellations); (ii) approximately 88 percent of offerings had at least one investor-initiated cancellation after 48 hours, and the aggregate amount of such cancellations accounted for approximately 48 percent of all investor-initiated cancellations in dollar terms but only eight percent of aggregate net investor commitments in dollar terms; (iii) approximately nine percent of investors had initiated at least one cancellation, including an estimated six percent of investors that initiated at least one cancellation after 48 hours, however, investors with cancellations participated in significantly more offerings on average. Based on this data, while cancellations after 48 hours appear to be a fairly common occurrence, they were concentrated among relatively few investors and accounted for a small share of net aggregate commitments in dollar terms. We are unable to assess whether these data are representative of commitment cancellations for other issuers, platforms, and time periods, particularly in light of the significant market uncertainty related to the COVID–19 shock, which might increase investor willingness to cancel commitments as a result of evolving market conditions or personal financial

[72] Predictions in prior research studies regarding the impact of social interaction akin to ''wisdom of the crowd'' on investor decisions are mixed. *See* 2015 Regulation Crowdfunding Adopting Release, at 71495, footnote 1346.

[73] We examine investor-initiated cancellations outside of the 48-hour window using a subset of data made available by Wefunder for a period from May 2016 through September 2018. Given the focus on investor cancellations, to avoid biasing the estimates, we include all offerings and investments, including failed and ongoing offerings, in the provided subset of data. Investments and investors have unique identifiers in the provided subset of data. We use the ''investor canceled'' cancellation reason to differentiate investor-initiated cancellations from cancellations due to failure to reconfirm a commitment following material changes, oversubscription, or offering expiration or termination by the issuer. These estimates use the full sample. Restricting the sample to offerings by eligible issuers in a sensitivity analysis has little effect on the discussed estimates.

circumstances. Further, we cannot gauge what proportion of eligible issuers will elect to restrict commitment cancellations after 48 hours, permitted by the temporary rules. Finally, as discussed above, investor behavior with respect to initial commitments and their cancellations is likely to adjust at least to some extent in response to changes introduced by the temporary rules.

As an alternative, we considered extending the minimum time frame during which investors are able to rescind their commitments for any reason beyond 48 hours. Alternatively, we could shorten or even eliminate the 48-hour period for rescinding the commitments for any reason, absent a material change to the offering. The alternatives of shortening (extending) the time period for canceling commitments would provide greater (lesser) certainty to issuers with respect to interim progress towards the offering target and the likelihood of offering success, potentially making the process of raising financing under Regulation Crowdfunding relatively more efficient and more attractive to prospective issuers, compared to the temporary rules. At the same time, the alternatives of shortening (extending) the time period for canceling commitments would provide less (more) flexibility to investors to gradually process information about the offering and incorporate the gradually accumulating wisdom of the crowd in their final investment decision, compared to the temporary rules. It is likely, however, as discussed above, that at least some investors will adjust their behavior in response to the changes to the cancellation process in ways that may counteract some of these effects.

## VII. Procedural and Other Matters

The Administrative Procedure Act (''APA'') generally requires an agency to publish notice of a rulemaking in the **Federal Register** and provide an opportunity for public comment. This requirement does not apply, however, if the agency ''for good cause finds . . . that notice and public procedure are impracticable, unnecessary, or contrary to the public interest.'' [74] The APA also generally requires that an agency publish an adopted rule in the **Federal Register** at least 30 days before it becomes effective. This requirement does not apply, however, if the agency finds good cause for making the rule effective sooner.[75]

Given the temporary nature of the relief contemplated by the temporary final rules and the significant, unprecedented, and immediate impact of COVID–19 on affected issuers, as discussed above, the Commission finds that good cause exists to dispense with notice and comment as impracticable, unnecessary, or contrary to the public interest, and to act immediately to amend Rules 100, 201, 301, 303 and 304 of Regulation Crowdfunding.[76] In particular, small businesses affected by the closures and safety measures designed to slow the spread of COVID–19 may face urgent funding needs [77] that could be addressed by use of the internet to reach potential investors. In the current circumstances, a delay in implementation would substantially undermine the relief intended by the temporary rules and could exacerbate the existing challenges faced by many small businesses in urgent need of capital to continue their operations.

The temporary final rules will provide relief from certain financial information requirements of Regulation Crowdfunding. In addition, the temporary final rules will require issuers relying on the temporary relief to provide certain additional disclosures, although we expect the burden of those disclosures to be minimal. Overall, we expect the temporary final rules to result in a net decrease in compliance burden per form for Form C (OMB Control No. 3235–0307); however, because of a possible increase in the number of issuers relying on Regulation Crowdfunding, we believe that the net change in paperwork burden will be minimal.[78] Accordingly, we are not adjusting the burden or cost estimates associated with existing collections of information under Regulation Crowdfunding for purposes of the Paperwork Reduction Act of 1995.[79]

Pursuant to the Congressional Review Act,[80] the Office of Information and Regulatory Affairs has designated these amendments as ''a major rule,'' as defined by 5 U.S.C. 804(2).

### Statutory Basis and Text of Amendments

We are adopting temporary amendments to Rules 100, 201, 301, 303, and 304 of Regulation Crowdfunding and Form C under the authority set forth in the Securities Act (15 U.S.C. 77a *et seq.*), particularly, Section 28 thereof.

### List of Subjects

*17 CFR Part 227*

Crowdfunding, Funding Portals, Intermediaries, Reporting and recordkeeping requirements, Securities.

*17 CFR Part 239*

Administrative practice and procedure, Reporting and recordkeeping requirements, Securities.

In accordance with the foregoing, title 17, chapter II of the Code of Federal Regulations is amended as follows:

## PART 227—REGULATION CROWDFUNDING, GENERAL RULES AND REGULATIONS

■ 1. The authority citation for part 227 continues to read as follows:

**Authority:** 15 U.S.C. 77d, 77d–1, 77s, 77z–3, 78c, 78o, 78q, 78w, 78mm, and Pub. L. 112–106, secs. 301–305, 126 Stat. 306 (2012).

■ 2. Amend § 227.100 by adding paragraph (b)(7) to read as follows:

**§ 227.100 Crowdfunding exemption and requirements.**

* * * * *

(b) * * *

(7) Seeks to rely on § 227.201(z) to conduct an offering on an expedited basis due to circumstances relating to coronavirus disease 2019 (COVID–19), where such offering is initiated between May 4, 2020, and August 31, 2020, and:

(i) Was organized and had operations less than six months prior to the commencement of the offering; or

(ii) Sold securities in reliance on section 4(a)(6) of the Securities Act and has not complied with the requirements in section 4A(b) of the Securities Act (15 U.S.C. 77d–1(b)) and the related requirements in this part.

* * * * *

■ 3. Amend § 227.201 by adding paragraph (z) to read as follows:

**§ 227.201 Disclosure requirements.**

* * * * *

(z) Between May 4, 2020, and August 31, 2020, an issuer may initiate an offering intended to be conducted on an expedited basis due to circumstances relating to COVID–19. Such issuer:

[74] 5 U.S.C. 553(b)(3)(B).

[75] 5 U.S.C. 553(d)(3).

[76] This finding also satisfies the requirements of 5 U.S.C. 808(2), allowing the temporary final rules to become effective notwithstanding the requirement of 5 U.S.C. 801 (if a Federal agency finds that notice and public comment are impractical, unnecessary or contrary to the public interest, a rule shall take effect at such time as the Federal agency promulgating the rule determines). The temporary final rules also do not require analysis under the Regulatory Flexibility Act. *See* 5 U.S.C. 604(a) (requiring a final regulatory flexibility analysis only for rules required by the APA or other law to undergo notice and comment).

[77] *See supra* note 1.

[78] We note that the temporary nature of the amendments and the inherent uncertainty in estimating how many issuers will take advantage of the temporary relief makes estimation of the net change in paperwork burden difficult.

[79] 44 U.S.C. 3501 *et seq.*

[80] 5 U.S.C. 801 *et seq.*

(1) Must prominently provide the following information:

(i) A statement that the offering is being conducted on an expedited basis due to circumstances relating to COVID–19 and pursuant to the SEC's temporary regulatory COVID–19 relief set out in this part;

(ii) If the issuer is relying on paragraph (z)(2) of this section to omit the information required by paragraph (t) of this section in the initial Form C: Offering Statement (Form C) (§ 239.900 of this chapter) filed with the Commission and provided to investors and the relevant intermediary in accordance with § 227.203(a)(1), a statement that:

(A) The financial information that has been omitted is not currently available and will be provided by an amendment to the offering materials;

(B) The investor should review the complete set of offering materials, including previously omitted financial information, prior to making an investment decision; and

(C) No investment commitments will be accepted until after such financial information has been provided; and

(iii) If the issuer is relying on paragraph (z)(3) of this section to provide financial statement information required by paragraph (t)(1) of this section, a statement that financial information certified by the principal executive officer of the issuer has been provided instead of financial statements reviewed by a public accountant that is independent of the issuer; and

(iv) In lieu of the information required by paragraph (j) of this section, a description of the process to complete the transaction or cancel an investment commitment, including a statement that:

(A) Investors may cancel an investment commitment for any reason within 48 hours from the time of his or her investment commitment (or such later period as the issuer may designate);

(B) The intermediary will notify investors when the target offering amount has been met;

(C) The issuer may close the offering at any time after it has aggregate investment commitments for which the right to cancel pursuant to paragraph (z)(1)(iv)(A) of this section has lapsed that equal or exceed the target offering amount (absent a material change that would require an extension of the offering and reconfirmation of the investment commitment); and

(D) If an investor does not cancel an investment commitment within 48 hours from the time of the initial investment commitment, the funds will be released to the issuer upon closing of the offering and the investor will receive securities in exchange for his or her investment;

(2) May omit the information required by paragraph (t) of this section in the initial Form C: Offering Statement (Form C) (§ 239.900 of this chapter) filed with the Commission and provided to investors and the relevant intermediary in accordance with § 227.203(a)(1) if such information is unavailable at the time of filing, but the intermediary may not accept any investment commitments until complete information required under paragraph (t) of this section is provided through an amendment to the Form C in accordance with § 227.203(a)(2); and

(3) May comply with the requirements of paragraph (t)(1) of this section instead of paragraph (t)(2) for an offering or offerings that, together with all other amounts sold under section 4(a)(6) of the Securities Act (15 U.S.C. 77d(a)(6)) within the preceding 12-month period, have, in the aggregate, a target offering amount of more than $107,000, but not more than $250,000, and financial statements of the issuer that have either been reviewed or audited by a public accountant that is independent of the issuer are unavailable at the time of filing.

■ 4. Amend § 227.301 by adding paragraph (d) to read as follows:

**§ 227.301 Measures to reduce risk of fraud.**

* * * * *

(d) Have a reasonable basis for believing that an issuer seeking to initiate an offering of securities between May 4, 2020, and August 31, 2020, in reliance on section 4(a)(6) of the Securities Act through the intermediary's platform on an expedited basis due to circumstances relating to COVID–19 that has previously sold securities in reliance on section 4(a)(6) of the Securities Act has complied with the requirements in section 4A(b) of the Act (15 U.S.C. 77d–1(b)) and the related requirements in this part. In satisfying the requirement in this paragraph (d), an intermediary may rely on the representations of the issuer concerning compliance with the requirements in this paragraph (d) unless the intermediary has reason to question the reliability of those representations.

■ 5. Amend § 227.303 by adding paragraph (g) to read as follows:

**§ 227.303 Requirements with respect to transactions.**

* * * * *

(g) *Temporary requirements.* (1) An intermediary in a transaction involving the offer or sale of securities initiated between May 4, 2020, and August 31, 2020, in reliance on section 4(a)(6) of the Securities Act by an issuer that is conducting an offering on an expedited basis due to circumstances relating to COVID–19:

(i) Shall prominently make publicly available on the intermediary's platform the issuer information required pursuant to § 227.201(z)(1);

(ii) Shall not be required to comply with paragraph (a)(2) of this section; and

(iii) Shall make the issuer information described in paragraph (g)(1)(i) of this section publicly available on the intermediary's platform before any securities are sold in the offering. The intermediary may accept investment commitments during the time such information is made available, but only if the issuer has provided the information required by § 227.201(t) or, if applicable, § 227.201(z)(3) in either the initial Form C: Offering Statement (Form C) (§ 239.900 of this chapter) filed with the Commission and provided to investors and the relevant intermediary in accordance with § 227.203(a)(1) or through an amendment to the Form C in accordance with § 227.203(a)(2); and

(2) A funding portal that is an intermediary in a transaction involving the offer or sale of securities initiated between May 4, 2020, and August 31, 2020, in reliance on section 4(a)(6) of the Securities Act (15 U.S.C. 77d(a)(6)) by an issuer that is conducting an offering on an expedited basis due to circumstances relating to COVID–19 shall not be required to comply with the requirement in paragraph (e)(3)(i) of this section that a funding portal not direct a transmission of funds earlier than 21 days after the date on which the intermediary makes publicly available on its platform the information required to be provided by the issuer under §§ 227.201 and 227.203(a).

■ 6. Amend § 227.304 by adding paragraph (e) to read as follows:

**§ 227.304 Completion of offerings, cancellations and reconfirmations.**

* * * * *

(e) *Temporary requirements.* The following shall apply in lieu of paragraphs (a) and (b) of this section with respect to an offering initiated between May 4, 2020, and August 31, 2020, that is intended to be conducted on an expedited basis due to circumstances relating to COVID–19:

(1) An investor may cancel an investment commitment for any reason within 48 hours from the time of his or her investment commitment (or such later period as the issuer may designate). After such 48 hour period, an investment commitment may not be

cancelled except as provided in paragraph (c) of this section; and

(2) If an issuer has received aggregate investment commitments for which the right to cancel pursuant to paragraph (e)(1) has lapsed covering the target offering amount prior to the deadline identified in its offering materials pursuant to § 227.201(g), the issuer may close the offering on a date earlier than the deadline identified in its offering materials pursuant to § 227.201(g), *provided that:*

(i) The issuer has complied with § 227.201(z);

(ii) The intermediary provides notice to any potential investors, and gives or sends notice to investors that have made investment commitments in the offering, that the target offering amount has been met; and

(iii) At the time of the closing of the offering, the issuer continues to meet or exceed the target offering amount.

## PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

■ 7. The general authority citation for part 239 continues to read as follows:

**Authority:** 15 U.S.C. 77c, 77f, 77g, 77h, 77j, 77s, 77z–2, 77z–3, 77sss, 78c, 78*l,* 78m,78n, 78o(d), 78o–7 note, 78u–5, 78w(a), 78*ll,* 78mm, 80a–2(a), 80a–3, 80a–8, 80a–9, 80a–10, 80a–13, 80a–24, 80a–26, 80a–29, 80a–30, and 80a–37; and sec. 107, Pub. L. 112–106, 126 Stat. 312, unless otherwise noted.

* * * * *

■ 8. Amend Form C (referenced in § 239.900) by adding a new second paragraph to the introductory paragraphs in the Optional Question and Answer Format for an Offering Statement to read as follows:

**Note:** The text of Form C does not, and this amendment will not, appear in the Code of Federal Regulations.

## FORM C

## UNDER THE SECURITIES ACT OF 1933

* * * * *

## OPTIONAL QUESTION AND ANSWER FORMAT FOR AN OFFERING STATEMENT

Respond to each question in each paragraph of this part. Set forth each question and any notes, but not any instructions thereto, in their entirety. If disclosure in response to any question is responsive to one or more other questions, it is not necessary to repeat the disclosure. If a question or series of questions is inapplicable or the response is available elsewhere in the Form, either state that it is inapplicable, include a cross-reference to the responsive disclosure, or omit the question or series of questions.

If you are seeking to rely on the Commission's temporary rules to initiate an offering between May 4, 2020, and August 31, 2020 intended to be conducted on an expedited basis due to circumstances relating to coronavirus disease 2019 (COVID–19), you will likely need to provide additional or different information than described in questions 2, 12, and 29. When preparing responses to such questions, please carefully review temporary Rules 100(b)(7), 201(z), and 304(e) and tailor your responses to those requirements.

* * * * *

By the Commission.

Dated: May 4, 2020.

**Vanessa A. Countryman,**

*Secretary.*

[FR Doc. 2020–09806 Filed 5–4–20; 4:15 pm]

BILLING CODE 8011–01–P

---

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## 24 CFR Parts 5, 891, 960, and 982

**[Docket No. FR 5743–F–05]**

**RIN 2502–AJ36**

## Streamlining Administrative Regulations for Multifamily Housing Programs and Implementing Family Income Reviews Under the Fixing America's Surface Transportation (FAST) Act

**AGENCY:** Office of the Deputy Secretary, HUD.

**ACTION:** Final rule.

**SUMMARY:** On December 4, 2015, the President signed the Fixing America's Surface Transportation Act (FAST Act) into law. The law contained language that allowed public housing authorities (PHAs) and owners to conduct full income recertifications for families with 90 percent or more of their income from fixed income every 3 years instead of annually. HUD issued an interim rule on December 12, 2017, to align the current regulatory flexibilities with those provided in the FAST Act. In addition, the interim rule sought to extend to certain multifamily housing (MFH) programs some of the streamlining changes that were proposed for and made only to the housing choice voucher (HCV) and public housing (PH) programs. This final rule finalizes the regulatory language to implement the FAST Act contained in the December 2017 interim rule, with one change to clarify that owners are not required to make adjustments to non-fixed-income.

**DATES:** *Effective* June 8, 2020.

**FOR FURTHER INFORMATION CONTACT:** For questions, please contact the following people (the phone numbers are not toll-free):

*Multifamily Housing programs:* Katherine Nzive, Director, Program Administration Office, Asset Management and Portfolio Oversight, 202–402–3440.

*Housing Choice Voucher and Public Housing programs:* Becky Primeaux, Director, Housing Voucher Management and Occupancy Division, 202–402–6050 or Monica Shepherd, Director, Public Housing Management and Occupancy, 202–402–4059.

Persons with hearing or speech impairments may access these numbers through TTY by calling the Federal Relay at 800–877–8339 (this is a toll-free number). The above-listed contacts may also be reached by mail at the following address: U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410.

**SUPPLEMENTARY INFORMATION:**

### I. Background

On January 6, 2015, at 80 FR 423, HUD proposed a rule to implement several statutory changes made in the Department of Housing and Urban Development Appropriations Act, 2014 and also make multiple administrative streamlining changes across several HUD programs. In that proposed rule, some of these additional streamlining changes applied only to the HCV and PH programs, not MFH programs.

Prior to the issuance of the final rule, on December 4, 2015, the President signed the FAST Act (Pub. L. 114–94). While primarily a transportation law, section 78001 of the FAST Act also amended the United States Housing Act of 1937 to allow PHAs and owners in the HCV, PH, and project-based rental assistance (PBRA) programs to eliminate annual income reviews in some years by applying a cost of living adjustment (COLA) determined by the Secretary to fixed-income sources for families with incomes that are made up of at least 90 percent fixed income. The PHA or owner is not required to verify non-fixed income amounts for these families in years where no fixed-income review is required but is still required to use third-party documentation for a full income recertification every 3 years.

On December 12, 2017, at 82 FR 58335,[1] HUD published an interim final rule to implement the statutory provisions of the FAST Act and modify the earlier streamlining regulations so that the procedures for families meeting the 90 percent fixed-income threshold of the FAST Act are as similar as possible to those for families who receive some, but less than 90 percent, of their income from fixed-income sources. This rule finalizes that interim final rule, along with one clarification.

## II. Changes Made at the Final Rule Stage

In response to public comment and as a result of further consideration of certain issues by HUD, this final rule makes one change to the December 12, 2017 interim final rule.

In § 5.657, the December 12, 2017 interim final rule made changes to an owner's option to apply a streamlined income determination to families receiving fixed income. In paragraph (d)(3)(i), the interim final rule stated that ''[f]or non-fixed income, owners *may choose, but are not required, to make appropriate adjustments* pursuant to'' the owner's obligation to conduct reexaminations and redeterminations of family income and composition. In this final rule, HUD is revising this sentence to read that ''[f]or non-fixed income, owners *are not required to make adjustments* pursuant to'' the owner's obligation to conduct reexaminations and redeterminations of family income and composition. HUD is making this change at the final rule stage to clarify that owners are not required to make such adjustments.

Identical changes are made to the language regarding the PHA's option to apply a streamlined income determination to families receiving fixed income. These changes affecting PHAs are made to §§ 960.257(c)(3)(i) and 982.516(b)(3)(i).

## III. Discussion of Public Comments and HUD's Responses

The public comment period on the interim final rule closed on January 11, 2018, and 15 public comments were received. Comments were submitted by individual members of the public, Fair Housing advocacy groups, housing associations, and PHAs. The following presents the significant issues and questions related to the interim final rule raised by the commenters, and HUD's responses to these issues and questions.

[1] Please refer to this interim final rule for more background on changes made to HUD's regulations at that stage.

### *A. Comments of Support*

The comments were generally supportive. Commenters noted that it would reduce costs and make it easier for seniors to recertify income. Others supported the expansion of flexibilities and the streamlining of administrative changes across the HCV, PH and MFH programs, as it would reduce administrative burden on PHAs and MFH owners to make annual rental assistance adjustments and make it easier for program staff to apply consistent regulations.

### *B. Rule Applicability*

*Issue: Single-family housing.* Commenters asked whether the rule includes residential single-family housing.

*HUD Response:* The FAST Act interim rule was, and this final rule is, only intended to include units assisted by multifamily housing programs overseen by the Office of Housing, as well as all Public Housing and Housing Choice Voucher units (both single- and multifamily).

*Issue: Project-Based Voucher (PBV) recertifications.* Commenters stated that the rule does not explicitly state that families with PBV assistance qualify for triennial recertifications and requested that the rule include specific language stating that PBV-assisted households are eligible for triennial recertifications.

*HUD Response:* Income recertification requirements for the PBV program follow HCV program rules and guidelines; therefore, the provisions related to reexamination of income apply to the PBV program.

*Issue: Additional guidance.* Commenters asked that HUD include with each provision the program office to which the provision applies, a description of change, background information, effective date, and whether the provision is mandatory or discretionary.

*HUD Response:* Applicability, description of change, background information, and effective dates will be further defined in program guidance. All provisions of this rule are discretionary.

### *C. Implementation*

1. General Implementation

*Issue: Plans.* Commenters asked whether, outside of Section 202 or Section 811, an owner would need to create a policy or update their Tenant Selection Plan to reflect their choice of implementing the streamlined method.

*HUD Response:* If an owner chooses to implement streamlined methods, the tenant selection plan should be updated where the property's annual recertification requirements and interim recertification reporting policies are discussed.

*Issue: Contract amendments.* A commenter asked how HUD plans to amend assistance contracts of owners.

*HUD Response:* HUD does not believe that the changes made by the FAST Act interim rule necessitate a change in the assistance contracts of owners. The FAST Act interim rule made the following changes, none of which is addressed in a Housing Assistance Payment contract: (1) Streamlining certification of fixed income; (2) allowing for family declaration for assets under $5,000; and (3) allowing owners to make a utility reimbursement of $45 or less on a quarterly basis. For the Section 202 and Section 811 programs, the current regulations do not contain the requirements around utility reimbursements in general, leaving such requirements in the assistance contracts. Therefore, HUD is not including regulatory text to implement these new flexibilities in the final rule, but rather would be open to amending the assistance contracts of any owners interested in taking advantage of this flexibility. Owners of Section 202 and 811 properties should contact their Contract Administrator or Account Executive if they wish to request a contract amendment. To amend the 202 or 811 assistance contract, owners will need to submit the standard form of contract amendment which will be provided by HUD upon request. HUD will provide instructions for execution and submission with the standard contract amendment.

*Issue: Software.* Commenters asked how the streamlining provisions will be implemented with MFH's Tenant Rental Assistance Certification System (TRACS). They asked whether the software packages will know what to do if owners and agents either opt in or out of the streamlined certifications. They suggested that some type of structure be implemented so that Management Occupancy Reviews can be conducted consistently across portfolios.

*HUD Response:* The provisions in this rule can be handled by the current iteration of TRACS. Although streamlining certifications is now permitted by owners, form HUD–50059 is still required to be completed by owners and signed by tenants and submitted to TRACS. HUD will consider changes to TRACS that may make tracking streamlined years easier.

*Issue: Medical expenses.* Some commenters were concerned that the rule does not address how to treat medical expenses for residents with

fixed income. They asked whether owners and agents should conduct full recertifications for residents with medical expense claims while conducting streamlined recertifications for residents that do not claim medical expenses. They suggested that HUD specifically address the fact that, while this rule does not incorporate the increased standard medical deduction and new threshold for deduction of allowable medical expenses or incorporate authority to use the past year's income and expenses that will be coming as the Housing Opportunity through Modernization Act (HOTMA) changes are implemented, HUD intends owners and agents to continue to provide annual adjustments for verified allowable medical expense deductions.

*HUD Response:* The FAST Act and the interim rule provide administrative relief to PHAs and owners. PHAs and owners may elect a streamlined income determination for families on a fixed income. However, the provision only pertains to the verification of sources of income. PHAs and owners must continue to conduct third-party verification of deductions, including medical expenses deductions.

HUD proposed a rule to implement income changes made by HOTMA, including medical expense deductions, published on September 17, 2019, at 84 FR 48820. HUD does not perceive a conflict between the FAST Act and HOTMA.

*Issue: Relationship with current regulations.* Commenters asked that HUD reiterate that Notice H 2016–09 is still applicable and that owners may continue streamlined verification for all fixed income sources, regardless of overall percentage of total income.

*HUD Response:* The Streamlining Administrative Regulations for PH, HCV, MFH, and Community Planning and Development programs final rule (81 FR 12353) and its implementing guidance in Notice H 2016–09 are still in effect alongside the provisions found in this rule.

*Issue: Fixed-income sources.* Commenters asked that HUD expand qualified fixed-income sources to include Retirement Survivors and Disability Income and income from Federal, State, local and private pension plans if a family member receives such income through periodic payments at reasonable predictable levels.

*HUD Response:* The definition of fixed income found in 24 CFR 5.657(2)(iv) includes ''other sources'' that are subject to adjustment by a verifiable COLA or current rate of interest. Therefore, other sources of fixed income are already included, if the source falls within the framework established under this provision.

2. Income Verification

*Issue:* Commenters asked when owners and agents can and cannot choose to verify non-fixed income. They asked whether owners and agents must always verify non-fixed income regardless of the percentage of the income that is fixed and if owners must adopt all provisions of the new rule if they choose to adopt any. They asked that HUD emphasize that housing agencies must apply annual reexaminations to households with 90 percent fixed income, but that PHAs have discretion to apply such reexaminations to households with 100 percent fixed income.

*HUD Response:* Section 78001 of the FAST Act amended the United States Housing Act of 1937 to allow PHAs and owners in the HCV, PH, and PBRA programs to eliminate annual income reviews in some years by applying a COLA determined by the Secretary to fixed income sources for families with incomes that are made up of at least 90 percent fixed income. The FAST Act did not require PHAs and owners to verify non-fixed income amounts in years where no fixed-income review is required, but did require them to use third-party documentation for a full income recertification every 3 years.

The interim final rule and this final rule both reflect the FAST Act by allowing PHAs and owners to use a COLA for fixed sources if such sources make up at least 90 percent of a tenant's income. HUD has made a slight adjustment in the regulatory text in this final rule to clarify the language in §§ 5.657(d)(3)(i), 960.257(c)(3)(i), and 982.516(b)(3)(i) to emphasize that PHAs and owners are not required to make adjustments for non-fixed income in such instances when using streamlined income determinations.

This rule does not alleviate the responsibility to conduct reexaminations each year, but rather changes the standards for income verification during those reexaminations. ''Reexaminations'' encompass more actions than income verifications. For example, reexaminations consider verifications of expenses related to deductions, verifications of family composition, compliance with the Community Service and Self Sufficiency requirement in the public housing program, etc.

*Issue: Triennial certifications.* Commenters requested clarification of the 3-year verification. They asked whether an owner or agent must verify income at the beginning of every third year of tenancy or every three calendar years from the date a tenant moves in. They requested that HUD provide a common use form as a template or subsequent guidance or examples for owners or agents.

*HUD Response:* The provisions of this rule are discretionary. Owners that choose to implement streamlined annual recertifications must use third-party verification of income at move-in for new tenants and for existing tenants at the first annual recertification after the rule becomes effective. Streamlined methods of verification of income may be applied to the annual recertification the year after third-party verified certification (year 2) and the next annual recertification (year 3). Third-party verification of income must be used for the following annual certification (year 4). HUD will not provide a common use form at this time.

*Issue: Staggered certifications.* Commenters requested that PHAs be allowed to stagger implementation of triennial recertifications of assisted households to mitigate substantial increases in work at the end of each triennial period.

*HUD Response:* Staggering recertifications has a potential impact of disparate treatment among similarly situated families. PHAs and owners choosing to implement triennial recertifications must afford all households the equal ability to utilize options in the final rule. HUD will not permit responsible entities to stagger recertifications.

Income verifications following new admissions or interim reexaminations will naturally be staggered. Existing families will have had the first triennial verification 3 years after implementation. Any new admissions in the year following initial implementation for existing families will have income verification in the year following initial implementation and then 3 years after that.

*Issue: Using prior certifications.* Commenters stated that HUD should allow the full certifications that owners and agents completed prior to the implementation of the rule on March 12, 2018, to qualify under the rule. They state that this would allow PHAs and owners to benefit from the rule despite its delayed implementation.

*HUD Response:* The authority to utilize provisions of this rule was not granted until March 12, 2018. Certifications completed prior to the rule's implementation date cannot be included in the year 3 streamline certification cycle. Additionally, the

first eligible COLA-based certification is April 2019.

*Issue: Timing of implementation.* Commenters asked that HUD make clear that for housing agencies that choose to implement annual reexaminations for fixed sources of income, lower voucher payment standards for existing households under the lease will take effect on the second annual recertification and not at the third. They also ask that HUD clarify that housing agencies will not be required to wait to implement triennial certifications.

*HUD Response:* Payment standards and the timing of their application are not affected. PHAs are still required to process an annual recertification and submit to PIH Information Center. Triennial certifications may be implemented for new tenants at move-in and for current tenants on or after March 12, 2018, at the next annual recertification, following the update to the PHA's or owner's policy.

*Issue: Previously reported income.* Commenters stated that housing agencies, owners, and managers should be allowed to use previously reported income in years 1, 2, or 3 for purposes of calculating tenant rent share and rent subsidy if the tenant has a transfer of unit, relocation, or port-out.

*HUD Response:* For portability in the HCV program, the receiving PHA has discretion to accept the most recent calculation of income on the HUD–50058 or redetermine income. If the receiving PHA chooses to redetermine income, a full reexamination would need to be completed. For moves with continued assistance in the Voucher program or transfers within a Public Housing property, PHAs are permitted to continue with the streamlined schedule.

For MFH programs, unit transfers cannot occur between properties. The new property must process a move-in certification and begin the streamlined process from the third-party verified move-in certification. For unit transfers within the property, owners are permitted to continue with the streamlined schedule unless the transfer involves circumstances that result in the family being unable to certify that 90 percent of income is fixed and fixed sources have not changed from the prior year.

*D. Fraud and Confusion*

*Issue: Increased fraud and unreported income.* Some commenters stated that it will cause confusion and allow for mistakes, fraud, unreported income, and mass income discrepancies. They stated that decreased contact with households, especially non-elderly households with members who are able to function in the workplace while receiving traditional sources of fixed income, could create a rise of fraud, unreported earned income, and deceit in the recertification process. They also stated that confusion is more likely if some project residents verify annually while other verify every 3 years. They asked that bank statements continue to be reviewed to avoid fraud and unreported self-employment income.

*HUD Response:* HUD acknowledges the commenters' stated concerns. The stated elements of risk were reviewed prior to publication of the rule. Provisions of this rule are discretionary. Further guidance will be provided by program offices for PHAs and owners who choose to implement provisions of the rule.

*Issue: Certifications.* Commenters asked that the term ''three-year certification'' be clarified, as they state it is unclear whether residents must still provide annual certifications regarding assets and income. They recommend replacing the word ''certification'' with ''declaration'' to avoid confusion with historical uses for the word certification.

*HUD Response:* PHAs and owners must conduct reexamination of household income and composition at least annually. This requirement remains in effect and is completed during the annual recertification process. The rule streamlines the annual recertification process by modifying income and asset verification methods but does not impact the requirement to reexamine the household income and composition at least annually. Annual recertifications performed during the 3-year streamlined certification cycle will continue to be referred to as a certification.

*Issue: Declaration of income.* Commenters asked whether a tenant can provide a single document declaring income or if documents must be obtained for each source of fixed income.

*HUD Response:* For the annual recertification initiating the 3-year certification cycle, PHAs and owners must adhere to established verification methods. For the next two annual recertifications, if the tenant declares the income has not changed, there is no need to collect declarations for each source.

*Issue: Enterprise Income Verification.* Some commenters asked that HUD include language from Notice H 2016–09 and Notice H 2010–19 on the use of the Enterprise Income Verification (EIV) System in the rule so that it is clear that owners must continue full income verification for residents with more than 10 percent of income from non-fixed sources and that owners may use current applicable interest rates available from public sources or tenant-provided, third-party generated documentation to determine interest income on net family assets.

*HUD Response:* The provisions of the rule do not change established EIV requirements. EIV usage will be further defined in program guidance. Requirements related to determining interest income on net family assets are not changed are by this rule.

*E. Increased Burden*

1. Income verifications

*Issue: In general.* Commenters stated that the changes seem more burdensome than the existing verification requirements and therefore owners and agents will be less likely to choose the proposed method. The commenters also stated that the rule would not be beneficial, as the COLA or rate of interest on an individual's source of fixed-income must be verified annually.

*HUD Response:* PHAs and owners have discretion in implementing provisions in this rule. If the PHA or owner determines that the rule's provisions are not beneficial, implementation is not required. To aid in implementation, further guidance will be provided.

*Issue: 90 percent calculation.* Commenters stated that the interim rule added the ''90 percent or more'' language to the streamlining final rule, which would cause owners and agents to conduct additional income calculations and could result in eligibility issues due to calculation errors.

*HUD Response:* The FAST Act only permits streamlined determinations for all income (including income from non-fixed-income sources) when the family's income is 90 percent or more from fixed-income sources, so the additional calculation is required by the statute. HUD recognizes that this requirement entails a determination whether the 90 percent threshold is met. However, PHAs and owners still retain the option to not streamline determinations pursuant to the FAST Act, but rather only streamline individual sources of income, per the March 8, 2016, final rule (81 FR 12353).

*Issue: Layering of assistance.* Some commenters stated that owners of projects with other affordability requirements or tenants who do not have 90 percent of income fixed may still need to certify annually, and therefore the proposed rule would not reduce burden. The commenters also

stated that monitoring reporting cycles will be an increased burden to project owners, as not all project residents will be on the same 3-year reporting cycle.

*HUD Response:* It is understood that the streamlining efforts identified in the FAST Act may not be beneficial in all scenarios. Owners have the option of continuing to process annual recertifications of family income and composition as done prior to this rule being published. Owners must be aware of policies in other programs, however; HUD cannot comment on programs that are not subject to FAST Act provisions.

*Issue: Self-certification of assets.* Commenters questioned whether allowing residents to self-certify assets of $5,000 or less will reduce administrative burden, as more effort may be used to monitor and determine the amount of tenant pension than just verifying the tenant pension.

*HUD Response:* PHAs and owners may accept tenant self-certification for assets of $5,000 or less for years 2 and 3 of the streamlined 3-year cycle. Provisions of the FAST Act affect the means by which income is identified. PHAs and owners have discretion in implementing provisions in this rule. If the rule's provisions are not beneficial, implementation is not required.

2. Use of Forms

*Issue: Form 9886.* Commenters stated that HUD should not require fixed-income households to complete HUD's 9886 authorization form to access the Enterprise Income Verification each year. Instead, they state that the 9886 authorization form should only be required for full recertifications every 3 years. They ask that HUD extend the 9886 authorization form for at least 15 months to allow housing authorities to benefit from triennial recertifications in early 2018.

*HUD Response:* HUD acknowledges the stated concern and suggestion of the commenter. At this time, HUD is not extending the effective period of forms HUD 9886 and 9887.

*Issue: Reducing the number of forms.* One commenter stated that HUD should not require PHAs to collect all of the currently required certification forms from fixed-income households during years 2 and 3 of the triennial period.

*HUD Response:* The required certification forms are in connection with other HUD regulatory and statutory requirements. HUD does not have the authority under this rule to discontinue the requirement to collect these forms.

*Issue: Bank statements.* Commenters stated that it would be difficult to obtain six consecutive bank statements for family declarations of assets. They asked whether owners and agents would need to use the tenants' declaration of asset income similar to the tax credit program.

*HUD Response:* For move-ins and annual recertifications initiating the 3-year streamlining cycle, PHAs and owners or agents must adhere to current program guidance. For years 2 and 3, the rule requires households to complete a declaration of assets of $5,000 or less.

*F. Utility Allowances*

1. Determination of Utility Allowance

*Issue: Setting allowances.* Commenters stated that the utility allowance should not be a project-based allowance based on an artificial average. The commenters stated that the utility allowance should instead be based on the annual recertification process, wherein each resident provides its own bills in the annual certification process and the allowance is calculated as part of the resident's total tenant payment. The commenters stated that the utilities reimbursements should be made monthly, as it would otherwise be more difficult for accounting to issue checks.

*HUD Response:* The process of determining utility allowance is outside the scope of this rule. PHAs and owners have discretion to utilize the provision of issuing utility reimbursements equal to or less than $15 per month on a quarterly basis. If it is determined that the provision will create administrative hardships, implementation is not required.

2. Requests for Clarification

*Issue: Hardships.* Commenters requested clarification on what policies owners/agents should adopt to assist tenants that might experience a financial hardship under the rule. They stated that a tenant that receives a utility reimbursement has very limited or no income and therefore it would be difficult to determine what would constitute a hardship. They asked whether HUD has analyzed or calculated the amounts at which tenants may claim a financial hardship.

*HUD Response:* Hardship policies for utility reimbursements will be addressed through program-specific guidance.

*Issue: Contract amendments.* Commenters asked HUD to provide clarity on the process for 202 and 811 Project Rental Assistance Contracts (PRACs) to amend their assistance contracts to incorporate changes to utility reimbursement payments. They suggested HUD provide a centralized point of contact to assist owners with amending assistance contracts for this purpose.

*HUD Response:* The provisions of this rule do not affect the regulation and program guidance governing the requirements of adjusting utility allowances. PHAs and owners must perform utility allowance adjustments in accordance with established guidance.

*Issue: Relationship with annual reexaminations.* Commenters asked that HUD clarify that those housing agencies that implement annual reexaminations for fixed sources of income would still have to adjust tenant-paid utility allowances.

*HUD Response:* The provisions of this rule do not affect the regulation and program guidance governing the requirements of adjusting utility allowances. PHAs and owners must perform utility allowance adjustments in accordance with established guidance.

*G. COLA*

1. Use and Adjustments of COLA

*Issue: COLA adjustment.* Commenters stated that COLA should be adjusted so that all households pay their fair portion.

*HUD Response:* The COLA is adjusted each year based on actual COLA. The changes in rent are based on the change in COLA. Changing the amount of the COLA is outside the scope of this rule.

*Issue: Which COLA to use.* Commenters asked that housing agencies, owners, and managers use the Social Security Administration's COLA as the single COLA, unless requested otherwise by a household.

*HUD Response:* The rule does not implicate the use of a single COLA. PHAs and owners or agents must use the COLA applicable to the income source.

2. Requests for Clarification

*Issue: When to start using COLA.* Commenters stated that HUD should explicitly state that owners may begin to use the current SSA COLA as of the rule effective date of March 12, 2018, to adjust the overall total or each line item for the various sources of fixed sources of income. They also state that this factor should apply to all other income that comprise less than 10 percent of the total resident incomes, where the owner chooses not to verify them.

*HUD Response:* The authority to utilize provisions of this rule was not granted until March 12, 2018. Certifications completed prior to the interim rule's implementation date cannot be included in the second or

third year of the streamline certification cycle. The first eligible COLA-based certification is April 2019. For families with 90 percent or more of their income from fixed sources, sources of non-fixed income need not be adjusted and must not be adjusted by a COLA, but the PHA or owner may choose to adjust sources of non-fixed income by the amount determined on the basis of third-party verification.

The rule does not allow the use of a single COLA. PHAs and owners or agents must use the COLA applicable to the income source.

*Issue: Single COLA.* Commenters asked that HUD provide more information on whether owners should use a current COLA and explicitly state that HUD will issue a notice before a single-value COLA can be implemented.

*HUD Response:* The rule does not implicate the use of a single COLA. PHAs and owners or agents must use the COLA applicable to the income source.

*Issue: Required interim recertifications.* Commenters stated that HUD should make explicit that interim recertifications are not required of housing agencies, owners, or managers when the COLA is to take effect, but the COLAs will instead be applied to household income on an annual basis at their lease anniversary.

*HUD Response:* This rule requires that an adjustment be made at annual recertification. HUD is not prohibiting interim recertifications as a result of a change in the COLA. Tenants and owners must continue to follow the income recertification requirements identified in the lease agreement, and PHAs must follow the income recertification requirements in their policies.

## IV. Findings and Certifications

### *Regulatory Review—Executive Orders 12866 and 13563*

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant and therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome,'' and to modify, streamline, expand, or repeal them in accordance with what has been learned. Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. This rule was not determined to be a ''significant regulatory action'' as defined in section 3(f) of the Executive order.

As discussed in more detail in the December 12, 2017, interim final rule, this final rule continues to further HUD's efforts to streamline administrative requirements for owners receiving subsidies under the HCV, PH, PBRA, Section 202 and Section 811 programs. Specifically, this final rule continues to give PHAs and owners greater flexibilities in determining tenant families' income and assets, and in issuing utility reimbursements. The final rule also continues to provide PHAs and owners with the discretion to implement these changes. Some may choose the status quo; others will choose the streamlining alternative. By allowing voluntary implementation, HUD enables participants to choose their desired method of administration, which in many cases will presumably be the least-cost method. Given that an unknown number of PHAs and owners may choose the status quo, it is difficult to estimate the savings with precision. Based on the assumptions above, the interim final rule and this final rule expect aggregate savings to be approximately $31.2 million ($24.9 million from income verification + $0.6 million from utility reimbursement + $5.9 million from asset verification).

### *Executive Order 13771*

Executive Order 13771 entitled, ''Reducing Regulation and Controlling Regulatory Costs,'' was issued on January 30, 2017. The interim final rule, published on December 12, 2017, at 82 FR 58335, was considered an E.O. 13771 deregulatory action based on the cost savings mentioned above. This final rule does not make substantive changes to the interim final rule, and therefore does not contribute any additional cost savings. However, the final rule continues the potential for future cost savings established by the interim final rule.

### *Information Collection Requirements*

The information collection requirements contained in this final rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2502–0204. In accordance with the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

### *Environmental Review*

This final rule involves external administrative requirements and procedures related to calculation of HUD rental assistance that do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this final rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

### *Executive Order 13132, Federalism*

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This final rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments nor preempt State law within the meaning of the Executive order.

### *Catalog of Federal Domestic Assistance*

The Catalog of Federal Domestic Assistance numbers applicable to the program affected by this final rule are 14.157, 14.181, 14.195, 14.850, and 14.871.

## List of Subjects

### *24 CFR Part 5*

Administrative practice and procedure, Aged, Claims, Crime, Government contracts, Grant programs—housing and community development, Individuals with disabilities, Intergovernmental relations, Loan programs—housing and community development, Low and moderate income housing, Mortgage insurance, Penalties, Pets, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Social security, Unemployment compensation.

### *24 CFR Part 891*

Aged, Grant programs—housing and community development, Individuals with disabilities, Loan programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

*24 CFR Part 960*

Aged, Grant programs-housing and community development, Individuals with disabilities, Pets, Public housing.

*24 CFR Part 982*

Grant programs—housing and community development, Grant programs—Indians, Indians, Public housing, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, the interim rule amending 24 CFR parts 5, 891, 960, and 982, which was published at 82 FR 58335 on December 12, 2017, is adopted as final with the following changes:

## PART 5—GENERAL HUD PROGRAM REQUIREMENTS; WAIVERS

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

**Authority:** 12 U.S.C. 1701x; 42 U.S.C. 1437a, 1437c, 1437d, 1437f, 1437n, 3535(d); Sec. 327, Pub. L. 109–115, 119 Stat. 2936; Sec. 607, Pub. L. 109–162, 119 Stat. 3051 (42 U.S.C. 14043e *et seq.*); E.O. 13279, 67 FR 77141, 3 CFR, 2002 Comp., p. 258; and E.O. 13559, 75 FR 71319, 3 CFR, 2010 Comp., p. 273.

■ 2. In § 5.657, revise the last sentence in paragraph (d)(3)(i) to read as follows:

**§ 5.657 Section 8 project-based assistance programs: Reexamination of family income and composition.**

* * * * *

(d) * * *

(3) * * *

(i) * * * For non-fixed income, owners are not required to make adjustments pursuant to paragraph (b) of this section.

* * * * *

## PART 960—ADMISSION TO, AND OCCUPANCY OF, PUBLIC HOUSING

■ 3. The authority citation for part 960 continues to read as follows:

■ 4. In § 960.257, revise the last sentence in paragraph (c)(3)(i) to read as follows:

**§ 960.257 Family income and composition: Annual and interim reexaminations.**

* * * * *

(c) * * *

(3) * * *

(i) * * * For non-fixed income, the PHA is not required to make adjustments pursuant to paragraph (a) of this section.

* * * * *

## PART 982—SECTION 8 TENANT-BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM

■ 5. The authority citation for part 982 continues to read as follows:

**Authority:** 42 U.S.C. 1437f and 3535(d).

■ 6. In § 982.516, revise the last sentence in paragraph (b)(3)(i) to read as follows:

**§ 982.516 Family income and composition: Annual and interim reexaminations.**

* * * * *

(b) * * *

(3) * * *

(i) * * * For non-fixed income, the PHA is not required to make adjustments pursuant to paragraph (a) of this section.

* * * * *

Dated: April 27, 2020.

**Brian D. Montgomery,**

*Assistant Secretary for Housing, Federal Housing Commissioner.*

[FR Doc. 2020–09298 Filed 5–6–20; 8:45 am]

BILLING CODE 4210–67–P

---

## DEPARTMENT OF THE INTERIOR

## Office of Surface Mining Reclamation and Enforcement

## 30 CFR Part 948

**[WV–113–FOR; OSM–2008–0009; S1D1S SS08011000 SX064A000 201S180110 S2D2S SS08011000 SX064A000 20XS501520]**

## West Virginia Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule; approval of amendment with exceptions.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSMRE) are issuing a final rule to the West Virginia regulatory program (the West Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Our decision approves, with certain exceptions and understandings, an amendment to the West Virginia regulatory program. West Virginia revised its Code of State Regulations (CSR) and the West Virginia Code, as contained in Committee Substitutes for Senate Bills 373 and 751. Additionally, on June 16, 2008, OSMRE also announced in a separate **Federal Register** document, its interim approval of the State's alternative bonding provisions of the West Virginia Surface Coal Mining and Reclamation Act (WVSCMRA) that specifically relate to the special reclamation tax and the creation of the Special Reclamation Water Trust Fund.

**DATES:** The effective date is June 8, 2020.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roger W. Calhoun, Director, Charleston Field Office, 1027 Virginia Street East, Charleston, West Virginia 25301. Telephone: (304) 347–7158, internet address: *chfo@osmre.gov.*

**SUPPLEMENTARY INFORMATION:**

I. Background on the West Virginia Program
II. Submission of the Amendment
III. OSMRE's Findings
IV. Summary and Disposition of Comments
V. OSMRE's Decision
VI. Procedural Determinations

### I. Background on the West Virginia 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 West Virginia program on January 21, 1981. You can find background information on the West Virginia program, including the Secretary's findings, the disposition of comments, and conditions of approval of the West Virginia program in the January 21, 1981, **Federal Register** (46 FR 5915). You can also find later actions concerning West Virginia's program and program amendments at 30 CFR 948.10, 948.12, 948.13, 948.15, and 948.16.

### II. Submission of the Amendment

By letter dated April 8, 2008, and received electronically on April 17, 2008 (Administrative Record Number WV–1503), the West Virginia Department of Environmental Protection (WVDEP) submitted an amendment to its permanent regulatory program under SMCRA (30 U.S.C. 1201 *et seq.*). The amendment included changes to the West Virginia Code of State Regulations (CSR) and the West Virginia Code, as contained in Committee Substitutes for Senate Bills 373 and 751.

Committee Substitute for Senate Bill 373 authorized revisions to the State's Surface Mining Reclamation Regulations at 38 CSR 2 and its Surface Mining Blasting Regulations at 199 CSR 1. Committee Substitute for Senate Bill

373 was adopted by the Legislature on March 6, 2008, and signed into law by the Governor on March 28, 2008. West Virginia Code at paragraphs 64–3–1 (o) and (p) authorized WVDEP to promulgate the revisions to its rules as legislative rules. This amendment included a variety of topics, including new language for technical completeness, sediment control, storm water runoff, blasting, excess spoil fills, bonding programs, water quality, seismograph records, and definitions.

In addition, the amendment included Committee Substitute for Senate Bill 751, which was adopted by the Legislature on March 8, 2008, and approved by the Governor on March 27, 2008. Committee Substitute for Senate Bill 751 amended and reenacted Section 22–3–11 of the WVSCMRA. As mentioned above, OSMRE approved, on an interim basis, under a separate **Federal Register** document a portion of the bill relating to the special reclamation tax and the Special Reclamation Water Trust Fund (73 FR 33884–33888). The interim rule with request for comments was published in the **Federal Register** on June 16, 2008 (Administrative Record Number WV–1507). The public comment period closed on July 16, 2008.

We announced receipt of the remaining portions of the proposed amendment in the July 8, 2008, **Federal Register** (73 FR 38941–38951). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the proposed amendment (Administrative Record Number WV–1508). We did not hold a hearing or a meeting because no one requested one. The public comment period closed on August 7, 2008. We received comments from three Federal agencies and one industry group regarding the various provisions announced in the interim and proposed rules.

## III. OSMRE's Findings

The following are the findings that we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. As discussed below, we are approving the proposed State amendment. Any revisions that we do not specifically discuss below, such as changes from ''Office'' to ''Secretary,'' ''Office'' to ''office,'' or ''Office of Explosives and Blasting'' to ''Secretary'' concern non-substantive wording or editorial changes and are approved here without further discussion. The full text of the program amendment is available online at *www.regulations.gov* or through OSMRE's West Virginia administrative record, upon request.

Pursuant to Committee Substitute for Senate Bill 373, West Virginia proposes the following revisions to its Surface Mining Reclamation Regulations at Title 38 CSR 2.

*1. CSR 38–2–3.1.c and 3.1.d Applicant Information*

West Virginia proposes to change the references in Subdivisions 3.1.c and 3.1.d from subsection 2.87 to subsection 2.85. These changes are necessary to reference the correct subsection, which defines ownership and control.

We find that the proposed State revisions to Subdivisions 3.1.c and 3.1.d are not inconsistent with the Federal ownership and control requirements at 30 CFR 778.11, and the revisions are approved.

*2. CSR 38–2–3.2.g Notice of Technical Completeness*

Notice of technical completeness is new language that is to be added to the State's regulations. It is to provide the public an opportunity to review and comment on a permit application once technical review is completed by the State and the application has been supplemented by the applicant after the close of the public comment period.

Under the State's current regulations, after a permit application has been determined to be administratively complete and the initial public notice and review process has been initiated and in some cases completed, clarification information or additional material is sometimes submitted by the applicant to supplement that permit application in response to the State's technical review or public comments. While the State may require a re-advertisement with a 10-day comment period under the current provisions of Subdivision 3.2.e., these provisions do not provide the State sufficient authority to require that such applications be re-advertised once they are determined to be technically complete. While the term ''technically complete'' as used in the proposed rule is not defined, WVDEP provided further clarification regarding its use of the term in a conversation with the Charleston Field Office (Administrative Record WV–1515). The State would require readvertisement under this new provision if its technical review results in an applicant making revisions to the probable hydrologic consequences determination, storm water runoff analysis (SWROA), maps, designs or some other technical aspect of the permit application. In addition, if an application is determined to be technically complete and the applicant has failed to readvertise it for several months, the Secretary may require it to be readvertised in accordance with Subdivision 3.2.g.

Because this new proposed Subdivision 3.2.g creates opportunities for public review of permit applications that are in addition to those opportunities available under SMCRA or the Federal regulations, we find that it is not inconsistent with the Federal public notice provisions at section 513 of SMCRA and the Federal public participation requirements at 30 CFR 773.6, and it is approved.

*3. CSR 38–2–3.29.a Incidental Boundary Revisions (IBRs)*

This amendment proposes to delete language regarding incidental boundary revisions that provides ''or where it has been demonstrated to the satisfaction of the Secretary that limited coal removal on areas immediately adjacent to the existing permit.'' This proposal is in response to earlier OSMRE concerns raised in the March 2, 2006, **Federal Register** (71 FR 10768) about the State's incidental boundary revision requirements. In that notice, OSMRE indicated that the wording of the rule resulted in an incomplete sentence, which should be revised as the State has proposed in this amendment.

As mentioned, the proposed State revisions are in response to an earlier decision by OSMRE regarding the State's incidental boundary requirements. We find that the proposed revisions to Subdivision 3.29.a are no less effective than the Federal permit revision requirements at 30 CFR 774.13(d), and the revisions are approved.

*4. CSR 38–2–3.32.b Findings—Permit Issuance*

This amendment proposes to delete language at Subdivision 3.32.b relating to required written findings for permit issuance.

The State is proposing to delete data collection requirements, which it has determined are no longer necessary for the administration of its approved permanent regulatory program. The requirements proposed for deletion have no counterparts in SMCRA or in its implementing Federal regulations. Moreover, the remaining State requirements still require the use of the Federal Applicant Violator System and other State databases to determine permit eligibility. Therefore, we find that the proposed revisions at Subdivision 3.32.b are no less stringent than the Federal permitting requirements at section 510 of SMCRA,

no less effective than the corresponding Federal regulatory requirements at 30 CFR 773.8, 773.11, and 773.12, and the revisions are approved.

*5. CSR 38–2–5.4.e.1 Sediment Control: Inspections*

This amendment proposes to remove the words ''Impoundments meeting'' after ''30 CFR 77.216(a).'' This revision is to delete language that OSMRE previously disapproved relating to impoundments. See the March 2, 2006, **Federal Register** for further explanation (71 FR 10764).

As discussed in the March 2, 2006, **Federal Register**, OSMRE determined that the words ''Impoundments meeting'' confuses the intended meaning of the provision that identifies the impoundments that a licensed land surveyor may not inspect. Therefore, the words ''Impoundments meeting'' in Subparagraph 5.4.e.1 were not approved by OSMRE (71 FR at 10771). We find that the State's proposed revision to delete the words ''Impoundment meeting'' at Subparagraph 5.4.e.1 is no less effective than the Federal inspection requirements for impoundments at 30 CFR 816.49(a)(11)(iv) and 817.49(a)(11)(iv), and it is approved.

Furthermore, we are amending and reserving 30 CFR 948.12(i)(1) to implement this decision.

*6. CSR 38–2–5.4.h.2 Abandonment Procedures*

This amendment proposes to delete language and add new language regarding the construction of natural drain ways subsequent to sediment pond removal.

The State proposes to amend Subparagraph 5.4.h.2 by deleting the requirement that the channel sides and bottom of a natural drain way be rock riprapped, and by deleting the waiver of this requirement. The added provisions require that natural drain ways be returned as near as practicable to their premining condition with additional consideration given to channel and bank stability and habitat enhancement. We find that the revised State requirements at Subparagraph 5.4.h.2 regarding the abandonment of sediment control structures are no less effective than the Federal abandonment requirements at 30 CFR 816.46(b), 816.49(c), 816.56, 817.46(b), 817.49(c), and 817.56, and the revisions are approved.

*7. CSR 38–2–5.6.a Storm Water Runoff*

This amendment proposes to clarify what operations may be exempt from conducting a ''Storm Water Runoff Analysis'' by adding new language.

Each permit application must include a storm water runoff analysis. However, like former Subparagraph 5.6.d.1.e, under proposed Subdivision 5.6.a, the State intends to exempt operators with mining operations of less than 50 acres from having to submit storm water runoff analyses. Furthermore, haulroads, loadouts and ventilation facilities, regardless of acreage, will be excluded from this requirement. The State will only grant exemptions for mining operations of less than 50 acres on a case-by-case basis. It is our understanding, based on conversations with the State, that this exemption will only apply to a mining operation with ''total'' permitted acreage of less than 50 acres. This is to prevent a mining operation with more than 50 permitted acres from getting an exemption from the State on a piecemeal basis during the life of its operation. The Federal regulations do not specifically provide for a storm water runoff analysis, and the State has discretion on how to evaluate storm impacts through its cumulative hydrologic impact analysis (CHIA). For this reason, we find that the reduced information for operations of 50 acres or less that would be submitted to the State, as described in revised Subdivision 5.6.a, is not inconsistent with the Federal hydrologic requirements at 30 CFR 780.21 and 784.14, and it is approved.

We must note that the proposed revisions to Subdivision 5.6.a do not exempt surface mining activities from any applicable regulations under the Clean Water Act, including the storm water regulations. Like 30 CFR 816.42 and 817.42, Subdivision 14.5.b provides that all discharges from areas disturbed by surface mining cannot violate effluent limitations or cause violation of applicable State or Federal water quality standards. In addition, monitoring frequency and effluent limitations are governed by standards set forth in the National Pollutant Discharge Elimination System (NPDES) Permit issued pursuant to the West Virginia Water Pollution Control Act, the Clean Water Act, and the regulations promulgated thereunder.

*8. CSR 38–2–5.6.b Storm Water Runoff Plan*

This amendment proposes to change the time period from twenty four (24) to forty eight (48) hours in which the monitoring results of a 1-year, 24-hour storm event or greater must be reported to the Secretary by the permittee.

As proposed, operators will be required to report to the State any 1-year, 24-hour storm event or greater within 48 hours and include the results of a permit wide drainage system inspection. The additional 24 hours is necessary to provide the operator sufficient time to collect and report the data to the State. The Federal rules lack the specificity of the State rules regarding information considered in storm water runoff analyses, therefore, we find that the proposed revision to Subdivision 5.6.b, as described above, is no less effective than the Federal hydrologic requirements at 30 CFR 780.21 and 784.14, and it is approved.

*9. CSR 38–2–5.6.d Phase-in Compliance Schedule*

This amendment proposes to delete language regarding the phase-in compliance schedule for the submission of the storm water runoff analysis that expired in June 2006. Because the deadline for the submission of storm water runoff analysis has expired, the State is proposing to delete Subparagraphs 5.6.d, d.1, d.1.a, d.1.b, d.1.c, d.1.d, and d.1.e.

There is no direct Federal counterpart to this requirement, and we find that the proposed deletion of the State's compliance scheduling requirements at Subdivision 5.6.d does not render the remaining storm water runoff requirements at Subsection 5.6 less effective than the Federal hydrologic requirements at 30 CFR 780.21 and 784.14, and it is approved.

*10. CSR 38–2–6 Blasting*

This amendment proposes to remove duplication of rules for blasting at Section 6. At Subsections 6.1 and 6.2, this amendment proposes to add at the end of the subsections, ''and be in accordance with the requirements with Surface Mining Blasting Rule, Title 199 Series 1.''

The State is making changes to Subsection 6.1 to ensure that operators comply with all State and Federal blasting requirements, including the Surface Mining Blasting Rule at Title 199, Series 1. We find that the proposed State revision at Subsection 6.1 is no less effective than the Federal blasting requirements at 30 CFR 816.61 and 817.61 and is approved.

The State is making this revision to Subsection 6.2 to ensure that all blasting plans that are submitted with permit applications are in accordance with the State's Surface Mining Blasting Rule, Title 199, Series 1. The State's blasting rules at Title 199, Series 1 are counterparts to the Federal blasting regulations at 30 CFR 816.61 through 816.68 and 817.61 through 817.68. We find that the proposed revision to Subsection 6.2 is no less effective than

the Federal blasting plan requirements at 30 CFR 780.13(a), and it is approved.

Subsections 6.3, 6.4, 6.5, 6.6, 6.7, and 6.8 are proposed to be deleted entirely. These provisions pertain to public notice of blasting operations, blast record, blasting procedures, blasting control for other structure, certified blasting personnel, and pre-blast survey, respectively.

The State is proposing to delete these blasting requirements because similar requirements are set forth in its Surface Mining Blasting Rule at Title 199, and the State does not want to have redundant blasting requirements in its Surface Mining Reclamation Rules. The deleted requirements are set forth in the State's Surface Mining Blasting Rule at Subsections 3.3, 3.5, 3.6, 3.7, 3.8 and 4. Because these blasting requirements are set forth in the State's Surface Mining Blasting Rule, we find that the deletion of these blasting requirements does not render the State's Surface Mining Reclamation Rules less effective than the Federal blasting requirements, and the deletion of these subsections is approved.

Proposed Subparagraph 3.6.c.1 differs slightly from deleted Subparagraph 6.5.c.1 in that the heading has been modified to read ''Lower frequency limit of measuring system maximum level, in Hz (no more than −3 dB).'' As discussed below in Finding 23, this revision is no less effective than the Federal airblast limits at 30 CFR 816/817.67(b), and the deletion of Subparagraph 6.5.c.1 is approved.

Proposed Subdivision 3.6.g does not include the provision in existing Subdivision 6.5.h that is to be deleted and which provides that, ''The Secretary may prohibit blasting on specific areas where it is deemed necessary for the protection of public or private property or the general welfare and safety of the public.'' A similar existing, unmodified requirement at Subsection 3.11 provides that the Secretary may prohibit blasting or may prescribe distance, vibration and airblast limits on specific areas, or on a case by case basis, where research establishes it is necessary, for the protection of the public or private property, or the general welfare and safety of the public. Although similar, this provision is less effective than the Federal requirements in that the Secretary's action is limited to where research establishes that a prohibition is necessary to protect the public, private property or general welfare and safety of the public. Unlike the existing State provision at Subsection 3.11, the Federal requirements at 30 CFR 816.64(a) provide in part that the regulatory authority may limit the area covered, timing, and sequence of blasting if such limitations are necessary and reasonable in order to protect the public health and safety or welfare. Therefore, we are not approving the State's proposed deletion of Subdivision 6.5.h, which provides that the Secretary may prohibit blasting on specific areas where it is deemed necessary for the protection of public or private property or the general welfare and safety of the public.

Proposed Subdivision 3.8.a, unlike existing Subdivision 6.8.a, neither requires the operator inform all residents or owners of manmade dwellings or structures located within one half (½) mile of the permit area on how to request a pre-blast survey nor requires the resident or owner of the structure to submit a written request to the Secretary for the operator to conduct such survey. The State's distance requirements regarding pre-blast surveys are set forth in State law at WVSCMRA 22–3–13a and are not repeated in the rules to avoid redundancy. As discussed in the November 12, 1999, **Federal Register**, OSMRE determined that the State's pre-blast survey requirements at WVSCMRA 22–3–13a(a) and (b) provide for no less effective blasting controls of surface coal mining operations than do the provisions of SMCRA section 515(b)(15)(E), and are, therefore, not inconsistent with section 515(b)(15)(E) (64 FR 61509). Based on this prior determination, the deletion of Subdivision 6.8.a is approved.

Unlike existing Subparagraph 6.8.a.1, proposed Subdivision 3.8.a does not require residents or owners of dwellings or structures to submit a written request to the Secretary for a pre-blast survey. Proposed Subdivision 3.8.a implies that either the operator or the operator's designee will perform the pre-blast survey without the written request of the occupant or owner of the dwelling or structure, unless said occupant or owner has waived the right to a pre-blast survey. In practice, we know that the operator submits a notice to the occupant or owner of the dwelling or structure, and the owner or occupant completes a pre-blast survey request (Form EB–39A) if they want a pre-blast survey or a waiver (Form EB–39B) if they do not want one. If a pre-blast survey is not conducted, the operator completes a pre-blast survey affidavit (Form EB–39C) explaining why it was not conducted. As discussed, the State's aforementioned forms provide that a pre-blast survey will be conducted by the operator or the operator's designee upon written request of the owner or occupant.

In addition, the State's statutory provisions at WV Code 22–3–13a provide that an operator or his designee must make, in writing, a notice to all owners and occupants of man-made dwellings or structures that the operator or his designee will perform the pre-blast surveys. Although the State's written notice requirements are somewhat different, we find that together the State's pre-blast survey forms, written notification requirements at proposed Subdivision 3.8.a, and its pre-blast survey requirements at WV Code 22–3–13a are no less stringent than and no less effective than the Federal pre-blast survey requirements at SMCRA section 515(b)(15)(E) and 30 CFR 816.62 and 817.62, and the deletion of existing Subparagraph 6.8.a.1 is approved. Any future change in the aforementioned forms by the State cannot be done without OSMRE's prior approval. Otherwise, the State will be expected to modify its pre-blast survey requirements at Subdivision 3.8.a to specifically provide that a resident or owner of a dwelling or structure within ½ mile of any part of the permit area may request a pre-blast survey. Therefore, we are approving proposed Subdivision 3.8.a and the deletion of Subparagraph 6.8.a.1 with these understandings.

Finally, proposed Subdivision 3.8.b, unlike existing Subparagraph 6.8.a.3, does not require that a written report of the pre-blast survey be prepared and signed by the person or persons approved by the Secretary who conducted the survey. However, the State statute at WVSCMRA 22–3–13a(f)(5) requires the pre-blast survey to include the name, address, and telephone number of the person or firm performing the pre-blast survey, and the statute at WVSCMRA 22–3–13a(f)(18) requires the signature of the person conducting the pre-blast survey. In addition, Subdivision 3.10.a requires that pre-blast surveys be submitted on forms prescribed by the Secretary. The State's pre-blast survey form (EB–40) requires the surveyor in training, if applicable, and the approved surveyor to sign and date the form. Therefore, we find that Subdivision 3.8.b, when read in combination with WVSCMRA 22–3–13a(f)(5) & (18) and Subdivision 3.10.a, is no less effective than the Federal pre-blast survey requirements at 30 CFR 816.62(b) and 817.62(b), and the deletion of Subparagraph 6.8.a.3 is approved.

*11. CSR 38–2–7.4.b.1.J.1.(c) Front Faces of Valley Fills*

This amendment proposes to add language that was previously removed

and not approved by OSMRE in the March 2, 2006, **Federal Register** (71 FR 10776).

West Virginia is proposing to amend Subparagraph 7.4.b.1.J.1.(c) by reinstating the following language:

7.4.b.1.J.1.(c) Surface material shall be composed of soil and the materials described in Subparagraph 7.4.b.1.D.

As discussed in the March 2, 2006, **Federal Register** notice, the State revised Subparagraph 7.4.b.1.J by deleting the requirement that the surface material be composed of soil and the materials described in Subparagraph 7.4.b.1.D. The intent of the change was to ensure that fill faces do not have to be covered with four feet of surface material. However, the effect of the deletion of subparagraph (c) was that the front faces of fills were exempt from all of the requirements of this rule, except for those set forth in Subparagraph 7.4.b.1.J. The revised State rule would not require topsoil or topsoil substitutes to be redistributed on fill faces. Because OSMRE did not approve the deletion of Subparagraph 7.4.b.1.J.1.(c), the provision, in essence, remained in the West Virginia approved program.

WVDEP proposes to resolve this issue by reinserting Subparagraph 7.4.b.1.J.1.(c) into its commercial forestry and forestry rules. We find that the proposed State revision at Subparagraph 7.4.b.1.J.1.(c) is no less effective than the Federal topsoil redistribution requirements at 30 CFR 816.22(d)(1) and 816.71(e)(2), and it is approved. Furthermore, we are amending and reserving 30 CFR 948.12(i)(2) to implement this decision.

*12. CSR 38–2–14.15.c.2 Reclaimed Areas: Calculation of Disturbed Areas*

This amendment proposes to clarify contemporaneous reclamation rules and bonding of excess spoil disposal fills by deleting ''area is available to do so;'' and adding ''first two lifts are in and are seeded'' at the end of the subparagraph.

The provisions at Subparagraphs 14.15.c.1 through 14.15.c.4 set forth the criteria for that area which is not to be included in the calculation of disturbed area. Subparagraph 14.15.c.2 is being amended to provide that an area would not be considered to be disturbed if it is within the confines of the excess spoil fill, which is being constructed from the toe up and the first two lifts have been installed and seeded. As such, these areas would appear to be exempt from the contemporaneous reclamation requirements. However, as noted below, the approved program, even after approval of the proposed change to 14.15.c.2, preserves the contemporaneous reclamation requirement for excess spoil fills.

The Federal contemporaneous reclamation requirements at 30 CFR 816.100 and 817.100 provide in part that reclamation efforts, including but not limited to backfilling, grading, topsoil replacement and revegetation, on all land that is disturbed by surface mining activities must occur as contemporaneously as practicable. Given this limited requirement and the fact that all excess spoil fills must be constructed contemporaneously as provided by Subdivision 14.15.d, we find that the proposed revision to the State's contemporaneous reclamation provisions at Subparagraph 14.15.c.2, which define the areas that are not included within the calculation of disturbed area, does not render the West Virginia rule less effective than the Federal contemporaneous reclamation requirements at 30 CFR 816.100 and 817.100, and it is approved.

*13. CSR 38–2–14.15.d.3 Excess Spoil Disposal Fills: Bonding Proposed Fill Areas*

This amendment proposes to clarify the contemporaneous reclamation and bonding requirements of certain excess spoil disposal fills by deleting the phrase ''to use single lift top down construction'' and adding ''with erosion protection zones'' after the word ''designed.''

Top down fills are often referred to as end dump fills. The State requirements at Subdivision 14.14.g provide that durable rock fills may only be approved if they are constructed from the toe upward or in a single lift with an erosion protection zone. As proposed, all single lift fills must now be constructed with erosion protection zones. In addition, any operation that proposes a durable rock fill that is designed with an erosion protection zone must bond the fill area with the required maximum bond of $5,000 per acre.

By continuing to require bonding at the maximum, site-specific, per-acre amount for these durable rock fills, the proposed requirement will continue to ensure the protection of the State's alternative bonding system, Special Reclamation Fund, should an operator forfeit the bond and fail to complete the reclamation of a single lift, durable rock fill with an erosion protection zone. Although there is no direct Federal counterpart to this provision, we find that the proposed addition of the reference to erosion protection zones at Subparagraph 14.15.d.3 is consistent with the Federal requirements at 30 CFR 800.14, 816.71, and 816.100, and it is approved.

*14. CSR 38–2–14.15.e Applicability*

This amendment proposes to remove the applicability schedule that expired in 2004. The applicability schedule regarding the implementation of contemporaneous reclamation plans at Subparagraphs 14.15.e, 14.15.e.1 and 14.15.e.2 are removed completely and 14.15.e.3 is renumbered as 14.15.e.

These requirements set forth the dates by which active and inactive operations had to modify their mining and reclamation plans to comply with the revised excess spoil requirements at Subdivision14.15.d. The State is proposing to delete these requirements, because all existing permit applications have been modified to comply with Subdivision 14.15.d.

Although there are no direct Federal counterparts to the subparagraphs that the State proposes to delete, we find that the proposed deletion of the applicability requirements at Subparagraphs 14.15.e, 14.15.e.1 and 14.15.e.2 and the renumbering of Subdivision 14.15.e is not inconsistent with the Federal excess spoil permitting requirements at 30 CFR 780.35, and the proposed deletion of these subparagraphs is approved.

*15. CSR 38–2–19.9 Land Exempt From Designation as Unsuitable for Surface Coal Mining Operations*

The State proposes to amend its requirements at Subsection 19.9 regarding land exempt from designation as unsuitable for surface coal mining operations. Specifically, WVDEP proposes to amend Subparagraph 19.9.a.2 by changing the word ''and'' to ''or.''

As amended, Subdivision 19.9.a will provide that the requirements of this section do not apply to:

19.9.a.1. Lands on which surface coal mining operations were being conducted prior to August 3, 1977;

19.9.a.2. Lands covered by a permit issued after August 3, 1977; or

19.9.a.3. Lands where substantial legal and financial commitments in surface coal mining operations were in existence prior to January 4, 1977.

The proposed change at Subparagraph 19.9.a.2 is to correct an apparent error that has existed in the State's Surface Mining Reclamation Regulations. As proposed, any of the three situations mentioned above would be exempt from the State's lands unsuitable requirements at Subsection 19.7. We find that the proposed revision to Subparagraph 19.9.a.2 is no less effective than the Federal lands

unsuitable requirements at 30 CFR 762.13, and it is approved.

*16. CSR 38–2–23.3 Water Quality—Coal Remining Operations*

This amendment proposes to make the State's remining rule consistent with the proposed changes in the State's National Pollutant Discharge Elimination System (NPDES) rules by deleting the phrase ''which began after February 4, 1987, and on a site which was mined prior to August 3, 1977,'' after ''operation:''

- Deleting ''water quality exemptions'' and adding ''effluent limitations'' after ''the;''
- adding ''Title 47 Series 30 subdivision'' and deleting ''Subsection'' and adding ''6.2.d.'' after ''in;'' and
- deleting ''subsection (p), section 301 of the Federal Clean Water Act, as amended or a coal remining operation as defined in 40 CFR part 434 as amended may qualify for the water quality exemptions set forth in 40 CFR part 434 as amended.''

The State is revising its remining requirements to comply with the coal remining provisions adopted by the U.S. Environmental Protection Agency (EPA) on January 23, 2002 (67 FR 3370–3410). Coal remining operation, as defined by 40 CFR 434.70(a), means a coal mining operation at a site on which coal mining was previously conducted and where the site has been abandoned or the performance bond has been forfeited. The EPA established a Coal Remining Subcategory at Subpart G, 40 CFR 434.70 through 434.75, to address pre-existing discharges. The references to February 4, 1987, and subsection (p), section 301 of the Clean Water Act (CWA) are deleted because the EPA based its coal remining rules on section 304(b) of the CWA, rather than section 301(p), known as the Rahall Amendment. In response to a comment, the EPA noted that the authority for its coal remining rule is section 304(b) of the CWA, which requires the EPA to adopt and revise regulations providing guidelines for effluent limitations as appropriate. The Rahall Amendment, section 301(p) of the CWA, provided specific authority for modified, less stringent effluent limitations for specified coal remining operations. Because the effluent limitations guidelines for the Coal Mining Point Source Category did not provide any different requirements for coal remining operations, the Rahall Amendment provided the only basis for issuing permits containing modified requirements to remining operations. In promulgating regulations adopting effluent limitation guidelines for the coal remining subcategory, the EPA noted that its new remining requirements are consistent with, but not necessarily identical to, the provisions of the Rahall Amendment. According to the EPA, the applicability of these effluent limitation guidelines to remining operations on abandoned mine lands abandoned after the enactment of SMCRA is within its discretion under section 304(b) of the CWA.

The State's effluent limitation requirements are set forth at CSR 47–30–6.2. In response to the Federal NPDES remining rule changes, Subsection 6.2.d was amended to include effluent limitation provisions for coal remining operations.

It should be noted that WVDEP has incorrectly referenced the wrong Title in its CSR. WVDEP understands that the remining variance should be issued in accordance with the procedural rules at 46CSR6, not 47CSR6. There are no procedural rules at 47CSR6. However, there are procedural rules governing site-specific revisions to water quality standards at 46CSR6. Therefore, we recommend that the State correct the cross reference in its coal remining rules or modify its procedural rules and include them in Title 47. Nevertheless, given the EPA's changes to its remining rules at 40 CFR part 434, subpart G, and the subsequent changes made by the State to its coal remining rules at CSR 47–30–6.2.d, we find that the State's proposed revisions to Subsection 23.3 regarding effluent limitations for coal remining operations are no less effective than the Federal hydrologic balance requirements at 30 CFR 816.42 and 817.42, and they are approved. We must caution, however, that these remining requirements do not relieve the State regulatory authority of its duty to use bond forfeiture proceeds to remedy problematic pollutional discharges at bond forfeiture sites.

*17. CSR 38–2–23.4 Requirements To Release Bonds*

This amendment, which relates to bond release for coal remining operations, proposes to delete the following language: ''and the terms and conditions set forth in the NPDES Permit in accordance with subsection (p), section 301 of the Federal Clean Water Act, as amended or 40 CFR part 434 as amended.''

The State is revising its bond release requirements for coal remining operations. As proposed, coal remining operations will have to comply with the same bond release standards as regular coal mining operations, which include compliance with all the terms and conditions of the NPDES permit prior to bond release. The references to subsection 301(p) of the CWA and to 40 CFR part 434 are being deleted because, as explained above in Finding 16, new coal remining permits may, in some instances, qualify for NPDES effluent limitations pursuant to subsection 304(b) of the CWA and under Title 47 Series 30 Subdivision 6.2.d of the West Virginia NPDES Rules for Coal Mining Facilities. The general provision remaining in Subsection 23.4 requires compliance with the NPDES permit, issued under any of the above-referenced authorities, as a pre-requisite to final bond release.

As amended, the revised State bond release requirements at Subsection 23.4 for coal remining operations are no less effective than the Federal requirements at 30 CFR 800.40, 816.42, 816.106, 817.42, and 817.106, and the revisions are approved.

Pursuant to Committee Substitute for Senate Bill 373, West Virginia proposes the following amendments to its Surface Mining Blasting Rule at Title 199 CSR 1:

*18. Title 199—Surface Mining Blasting Rule CSR 199–1–2 Definitions*

Various definitions relating to blasting at CSR 199–1–2 are amended by non-substantive grammatical changes, such as putting all definition terms in quotation marks; changing the term ''Office of Explosives and Blasting'' to ''Secretary;'' deleting the definitions of ''Office'' and ''Chief'' because those terms are no longer used in this rule; and renumbering of definitions due to additions and/or deletions of terms. In addition, there are similar changes in other sections throughout this rule. The proposed revisions are consistent with statutory changes at West Virginia Code 22–1–2 and 22–1–7 relating to the organization of offices within the WVDEP and no less effective than the Federal requirements regarding the state regulatory authority at 30 CFR 700.5. Given the non-substantive nature of these proposed changes, no further determinations will be made with respect to such revisions in subsequent sections described herein.

*The following substantive revisions at CSR 199–1–2 are as follows:*

At Subsection 2.8, ''Blast Site'' is amended and means the area where explosive material is handled during loading into boreholes. This includes the perimeter area formed by the loaded blast holes as measured, 50 feet in all directions from the collar of the outermost loaded borehole; or that area protected from access by a physical barrier to prevent entry to the loaded blast holes. The term ''blast site'' is not

defined in either SMCRA or its implementing regulations. However, we find the proposed revision to the State's definition of blast site at Subsection 2.8 to be no less effective than the Federal regulations at 30 CFR 816.61, 816.64, 817.61, and 817.64, all of which refer to a ''blasting site,'' and the revision is approved.

At Subsection 2.27, ''Other Structure'' is new and means any man made structure excluding ''protected structures'' within or outside the permit areas which includes but is not limited to, gas wells, gas lines, water lines, towers, airports, underground mines, tunnels, bridges, and dams. The term does not include structures owned, operated, or built by the permittee for the purpose of carrying out surface mining operations.

The Federal regulations at 30 CFR 816. 67(b)(1)(i) and (d)(2)(i) and 817.67(b)(1)(i) and (d)(2)(i) define protected structures to include any dwelling, public building, school, church, or community or institutional building outside the permit area. The Federal regulations at 30 CFR 816.67(d)(1) and 817.67(d)(1) also provide that all structures, except protected structures, in the vicinity of the blasting area such as water towers, pipelines and other utilities, tunnels, dams, impoundments, and underground mines must be protected from damage by establishment of a maximum allowable limit on the ground vibration submitted by the operator in the blasting plan and approved by the regulatory authority. The preamble to the Federal regulations clarifies that 30 CFR 816.67(d)(1) and 817.67(d)(1) set levels for structures other than buildings (48 FR 9788, 9800, March 8, 1983). The burden for setting limits for these other structures is on the operator and regulatory authority. In addition, such limits would be for all structures in the vicinity of the blasting area. While not specifically defined in the regulation or its accompanying preamble, the phrase ''in the vicinity of the blasting area'' is broad enough to include structures within and outside of the permit area. We construe the phrase to include structures within and outside of the permit area, in order to ensure that the regulatory authority has ample authority to protect those structures within the vicinity of the blasting because damage to such structures, including those within the permit area, could lead to damage to public and private property outside the permit area, or adverse impacts to underground mines in contravention of section 515(b)(15)(C) of SMCRA, 30 U.S.C. 1265(b)(15)(C). As discussed in the November 12, 1999, **Federal Register**, WVDEP inadvertently deleted language at West Virginia Code section 22–3–13(b)(15)(C), which was the State's statutory counterpart to SMCRA section 515(b)(15)(C); it acknowledged that reinserting the deleted language would remove any uncertainty relative to the authority of WVDEP to protect the public from the effects of blasting (64 FR 61507, 61509, November 12, 1999). Fortunately, the approved West Virginia program still contains a regulatory counterpart to section 515(b)(15)(C), at CSR 199–1–3.6.a. However, we recommend that West Virginia reinsert the deleted statutory language at West Virginia Code section 22–3–13(b)(15)(C) to ensure the protection of the public from the effects of blasting.

The Federal regulations at 30 CFR 816.67(e) and 817.67(e) exclude from airblast and ground vibration limits structures owned by the permittee and those owned by the permittee and leased to another person, if a written waiver is obtained from the lessee. The 1979 predecessor to these exemption provisions, at former 30 CFR 816.65(e)(1) and 817.65(e)(1), clearly stated that the exemption from the numerical airblast limits was applicable only to the buildings designated as protected structures, *i.e.,* dwellings, public buildings, schools, churches, commercial, or institutional structures. (''If a *building* owned by the person conducting surface mining activities is leased to another person, the lessee may sign a waiver relieving the operator from meeting the airblast limitations of this paragraph.'' 30 CFR 816.65(e)(1) (March 13, 1979, repealed March 8, 1983) (emphasis added). While the exemption from numerical ground vibration limits did not explicitly apply exclusively to these aforementioned buildings, it is logical to interpret the exemption in this fashion, because these buildings were, and remain currently, the only structures otherwise subject to the numerical ground vibration limits set forth in the Federal regulations. 30 CFR 816.65(j) and 817.65(j) (March 13, 1979, repealed March 8, 1983). These provisions were reworded and moved to 30 CFR 816.67(e) and 817.67(e) in 1983; however, there was no discussion of any change in meaning to the exemptions from the manner in which they were created in 1979. 48 FR at 9802–3 (March 8, 1983). Therefore, we believe the ''permittee-owned'' exemption applies only to dwellings, public buildings, schools, churches, commercial or institutional structures, and not to other structures, such as water towers, pipelines, other utilities, tunnels, dams, impoundments, and underground mines, for which there must be site-specific numerical ground vibration limitations that are proposed by the operator in the blasting plan and approved by the regulatory authority. 30 CFR 816.67(d)(1).

However, the State's proposed definition of ''other structure'' does not include structures owned, operated, or built by the permittee for the purpose of carrying out surface mining operations. Therefore, structures such as pipelines, dams, impoundments, or underground mines that are owned, operated, or built by the permittee, whether within or outside the permit area, would be exempted from the ground vibration limits that apply, under CSR 199–1–3.7a., to ''other structures.'' As such, the definition would render the State's program less effective than the Federal regulations at 30 CFR 816.67(d)(1) and 817.67(d)(1), which contains no exemption from ground vibration limits for structures owned, operated, or built by the permittee. For this reason, we are not approving the last sentence of the definition of other structure at CSR 199–1–2.27, which states that ''[t]he term does not include structures owned, operated, or built by the permittee for the purpose of carrying out surface mining operations.''

At Subsection 2.35, the definition of ''Secretary'' is substantively identical to former Subsection 2.23 and means the Secretary of the Department of Environmental Protection or the Secretary's authorized agent. We find that the proposed change at Subsection 2.35 is no less effective than the Federal requirements with respect to the State regulatory authority as set forth at 30 CFR 700.5, and it can be approved.

At Subsection 2.36, ''Structure'' is amended and means ''a protected structure'' or ''other structure,'' which is any manmade structure within or outside the permit areas and which includes, but is not limited to, dwellings, outbuildings, commercial buildings, public buildings, community buildings, institutional buildings, gas lines, water lines, towers, airports, underground mines, tunnels, and dams. In addition, the term does not include structures built and/or utilized for the purpose of carrying out the surface mining operation. We find the revision to the definition of structure at Subsection 2.36 to be consistent with the Federal requirements pertaining to structures at 30 CFR 816,67(d) and 817.67(d), and the revision is approved.

However, we are taking this opportunity to re-examine the exemption for structures built and/or utilized for the purpose of carrying out

the surface mining operation at CSR 38–2–2.119 and 199–1–2.36. While this exemption was approved on January 21, 1981, as part of the original program approval (46 FR 5915), we now believe it must be disapproved, for the same reasons that we are disapproving a similar exemption to the definition of ''other structure,'' as discussed above in this finding. The reason for our change in position is that we did not believe, until West Virginia submitted the definition of ''other structures'' in this amendment, that the State intended to exempt non-building type structures, such as gas lines, water lines, towers, airports, underground mines, tunnels, or dams from ground vibration limits. We now have reason to believe, however, that the exemptions in the definitions of ''structure'' and ''other structure'' will apply to these structures. Therefore, we are revoking our prior approvals and are not approving the following sentences in the State's definitions of ''structure'' at CSR 38–2–2.119 and 199–1–2.36: ''The term does not include structures built and/or utilized for the purpose of carrying out the surface mining operation.''

At Subsection 2.37, ''Supervised a Blasting Crew'' is amended and means a person that is responsible for the conduct of a blasting crew(s) and/or that the crew(s) is directed by that person. Though it has no Federal counterpart, the revised definition of supervised a blasting crew at Subsection 2.37 is no less effective than the Federal requirements relating to blasters at 30 CFR 816.61 and 817.61, and it is approved.

At Subsection 2.38, ''Surface Mine Operations'' is amended and means all areas of surface mines, and surface area of underground mines (including shafts and slopes), areas ancillary to these operations, and the reclamation of these areas, including adjacent areas ancillary to the operations, *i.e.,* preparation and processing plants, storage areas, shops, haulageways, roads, and trails, which are covered by the provisions of W. Va. Code 22–3–1 *et seq.,* and rules promulgated under that article. As discussed in the December 10, 2003, **Federal Register** notice, OSMRE approved the State's previous definition with the understanding that it only intends to exclude ''underground workings'' from the definition of surface mine and surface area of underground mines (68 FR 68724, 68729). The revised definition of ''surface mine operations'' at proposed Subsection 2.38 resolves our earlier concern. We find Subsection 2.38 to be no less effective than the Federal definition of surface coal mining operations at 30 CFR 700.5, and the revision is approved.

At Subsection 2.39, ''Worked on a Blasting Crew'' is amended and means that a person has first-hand experience in storing, handling, transporting, and using explosives, and has participated in the loading, connecting, and initiation processes of blasting, and has experience in blasting procedures, and preparation of blast holes. While it has no direct Federal counterpart, the revised State definition of ''worked on a blasting crew'' at Subsection 2.39 is no less effective than the Federal blasting requirements at 30 CFR 816.61 and 817.61 and is approved.

*19. CSR 199–1–3.2 Blasting Plans*

Subparagraph 3.2.a.5, regarding blasting plans, is amended by adding language to minimize, not reduce, dust outside the permit area. Though it has no direct Federal counterpart, the proposed State revision at Subparagraph 3.2.a.5 is consistent with the Federal blasting plan requirements at 30 CFR 780.13, and it is approved.

Subdivision 3.2.b, regarding blasting plans, is amended by requiring that the person conducting the review must be experienced in common blasting practices used on surface mining operations and must be a certified inspector. In addition, the reviewer will take into consideration the proximity of individual dwellings, structures, or communities to the blasting operations. These two new requirements have no direct Federal counterparts; however, we find that the proposed State revisions at Subdivision 3.2.b are consistent with the Federal blasting plan requirements at 30 CFR 780.13, and the revisions are approved.

Subdivision 3.2.c is amended to provide that the blasting plan must also contain an inspection and monitoring procedure to ensure that all blasting operations are conducted to minimize, not eliminate, to the maximum extent technically feasible, adverse impacts to the surrounding environment and surrounding occupied dwellings. In addition, this subdivision is amended to provide that all seismographs used to monitor airblast or ground vibrations or both must comply with the International Society of Explosives Engineers (ISEE) Performance Specifications for Blasting Seismographs. The ISEE standards referenced in the revised State rule include the ISEE Performance Specification for Blasting Seismographs copyright 2000 and the ISEE Field Practices Guidelines for Blasting Seismographs copyright 1999, which is referenced therein. Copies of the ISEE Performance Specifications and the Field Practice Guidelines have been included in the administrative record and are available for public review (Administrative Record Number WV–1503A). We find that the proposed revisions at Subdivision 3.2.c are consistent with the Federal blasting plan requirements at 30 CFR 780.13(a) and (b), and the revisions are approved.

Subdivision 3.2.d is amended to provide that for operations where a blasting related notice of violation (NOV) or cessation order (CO) has been issued, the Secretary must review the blasting plan as soon as possible and no later than thirty (30) days of final disposition of the NOV or CO. As currently written, the subdivision requires only that the plan be reviewed within 30 days of final disposition of the NOV or CO, without the additional requirement that the plan be reviewed ''as soon as possible.'' While there is no specific Federal counterpart to this revision, we find that the proposed State revision at Subdivision 3.2.d is no less effective than the Federal requirements at 30 CFR 816.61(d)(5) and 817.61(d)(5), and it is approved.

Subdivision 3.2.e relating to the review of a blasting plan where an enforcement action has been taken by the State is deleted in its entirety. The provisions to be deleted provide: ''Where a notice of violation (NOV) or cessation order (CO) has been issued; the Office must review the blasting plan within thirty (30) days of final disposition of the NOV or CO. This review will focus on the specific circumstances that led to the enforcement action. If necessary, the Secretary may require that the blasting plan be modified to insure all precautions are being taken to safely conduct blasting operations.'' The requirements at Subdivision 3.2.e are redundant with those at Subdivision 3.2.d. Therefore, we approve of the deletion of these requirements.

*20. CSR 199–1–3.3 Public Notice of Blasting Operations*

Subparagraph 3.3.a, relating to public notice of blasting operations, is amended by requiring that at least ten (10) days, but not more than thirty (30) days, prior to commencing any blasting operations that detonate five (5) pounds or more of explosives at any given time, the operator must publish a blasting schedule in a newspaper of general circulation in all the counties of the proposed permit area. The operator must republish and redistribute the schedule at least every twelve months in the same manner above. In addition, new language provides that the

permittee must retain proof of publication.

We find the revisions to the State's blasting schedule requirements at Subdivision 3.3.a to be no less effective than the Federal blasting schedule requirements at 30 CFR 816.64(b), and the revisions are approved.

At Subparagraph 3.3.b.1, existing language is deleted, and new language is added related to the placement of signs for ''Blasting Areas'' at the edge of any site that is within 100 feet of any public road and where any road provides access to the blasting area.

We find the revised State provision regarding blasting signs at Subparagraph 3.3.b.1 to be substantively identical to, and, therefore, no less effective than the Federal blasting requirements at 30 CFR 816.66(a)(1) and 817.66(a)(1), and it is approved.

At Subparagraph 3.3.b.2, existing language is deleted, and new language is added for the placement of signs at all entrances to the permit area from public roads for warnings of explosives in use. The sign must also contain a list of the meanings for signals used to give the all-clear and blast warnings and also explain blasting areas and charged holes.

We find the revised State provision regarding blasting signs at Subparagraph 3.3.b.2 to be substantively identical to, and, therefore, no less effective than the Federal blasting requirements at 30 CFR 816.66(a)(2) and 817.66(a)(2), and it is approved.

*21. CSR 199–1–3.4 Surface Blasting at Underground Mines*

This amendment proposes to add a new Subdivision, 3.4.b, regarding the regulation of surface blasting at underground mines.

This provision is intended to clarify the applicability of State's blasting requirements in the development of shafts and slopes associated with underground mining activities. The proposed requirement is intended to resolve past confusion regarding the State's responsibility in regulating underground blasting activities relating to the development of shafts and slopes and to clearly provide how the State's Surface Mining Blasting Rule applies with regard to such development.

We find that the new State provision at Subdivision 3.4.b is no less effective than the Federal requirements regulating surface blasting activities incident to underground coal mining activities at 30 CFR 817.61, and it is approved. To ensure compliance with the monitoring obligations under Subdivision 3.4.b, we recommend that the State require the blaster to maintain a blasting log on a daily basis and conduct regular monitoring of ground vibration and airblast limits through the use of a seismograph, etc. during the development of the shaft or slope until it intersects the coal seam to be mined.

*22. CSR 199–1–3.5 Blast Record*

Subdivision 3.5.a is amended to require that the blasting log book be on forms formatted in a manner prescribed by the Secretary. We find the proposed amendment at Subdivision 3.5.a to be no less effective than the Federal blasting requirements at 30 CFR 816.68 and 817.68, and it is approved.

Subdivision 3.5.c is amended to provide that the blasting log must contain, at a minimum, but not limited to, the following information:

- Subparagraph 3.5.c.1 is amended to require the name of the company conducting blasting;
- Subparagraph 3.5.c.2 is amended to require the Article 3 permit number and shot number;
- Subparagraph 3.5.c.4 is amended to require the identification of nearest protected structure and nearest other structure not owned or leased by the operator, and indicate the direction and distance, in feet, to both such structures;
- Subparagraph 3.5.c.5 is amended to require estimated wind direction and speed;
- Subparagraph 3.5.c.6 is amended by adding a proviso to identify material blasted, including rock type and description of conditions;
- Subparagraph 3.5.c.9 is amended to require a description of different quantities of explosives used;
- Subparagraph 3.5.c.14 is amended to require type and length of decking;
- Subparagraph 3.5.c.15 is amended to require a description of use of blasting mats or other protective measures used;
- Subparagraph 3.5.c.16 is amended to require the quantities of delay detonators used;
- Subparagraph 3.5.c.17 is amended by adding the words ''when required'' in relation to seismograph records and air blast records;
- Subparagraph 3.5.c.17.A is amended to require that seismograph and air blast readings include trigger levels, frequency in Hz, and full waveform readings, all of which must be attached to the blast log;
- Subparagraph 3.5.c.17.B is amended to require the name of person who installed the seismograph, as well as the name of person taking the readings;
- Subparagraph 3.5.c.17.D is amended to require certification of annual calibration in addition to, rather than in lieu of, submitting the type of instrument, its sensitivity and calibration signal;
- Subparagraph 3.5.c.18 is amended to require that the shot location be identified with use of blasting grids as found on the blast map, GPS, or other methods as defined by the approved blast plan;
- Subparagraph 3.5.c.19 is amended by deleting the requirement for a sketch of the delay pattern for all decks and to require a detailed sketch of delay pattern, including the detonation timing for each hole or deck in the entire blast pattern, borehole loading configuration, north arrow, distance and directions to structures; and
- Subparagraph 3.5.c.20 is amended to require the reasons and conditions to be noted in the blasting log for misfires, any unusual event, or violation of the blast plan.

We find that all of the proposed State revisions at Subdivision 3.5.c regarding information to be contained in a blasting log, are no less effective than the Federal blast record requirements at 30 CFR 816.68 and 817.68, and the revisions are approved.

*23. CSR 199–1–3.6 Blasting Procedures*

Subparagraph 3.6.b.2 is amended to require that all approaches to the blast area remain guarded until the blaster signals the ''all clear.'' We find that the proposed revision to the State's safety precaution requirements at Subparagraph 3.6.b.2 is no less effective than the Federal requirements at 30 CFR 816.66 and 817.66, and it is approved.

Subparagraph 3.6.c.1 regarding airblast limits is amended to provide that the maximum level in Hz be no more than −3dB. In addition, Footnote 1 was added to clarify that airblast is a flat response from 4 to 125 Hz range; and at 2 Hz airblast, the microphone can have an error of no more than −3dB. Footnote 2 was added to clarify that the use of the frequency limits of 0.1 Hz or lower—flat response or C-weighted—slow response requires the Secretary's approval.

The +/−3 dB requirement in the Federal rules at 30 CFR 816.67(b)(1)(i) and 817.67(b)(1)(i) defines the frequency response limit of the measuring instruments and not the accuracy of the measuring system. It is not a tolerance allowed to the operator in meeting the standard, but rather an instrument manufacturing standard. For example, an instrument with a 2 Hz lower frequency range would be allowed to have no more or less than a 3 dB variance from the actual sound level present at 2 Hz to define the lower range of the system. In other words, if the

microphone input sound was 133 dB at 2 Hz, the reported value could be between 130 and 136 dB and the instrument could be specified to have a lower frequency response of 2 Hz. This value, either high or low, is then digitally adjusted to the actual sound level present (133 dB). Furthermore, all microphones that are part of blasting seismographs manufactured today are in compliance with the ISEE Performance Specifications for Blasting Seismographs. This standard defines the lower response frequency of the system as being 3 dB down (−3 dB) at 2 Hz. No blasting seismographs currently manufactured define the lower frequency response with the +3 dB criteria. The State specifies that the lower frequency response be down 3 dB (−3dB) only. By specifying the low end value only, the State rule is no less effective than the Federal rule because the specification for defining the lower response range is within the range specified by OSMRE, and it is within the current industry standard. Therefore, we find that the proposed revisions, including Footnotes 1 and 2, at Subparagraph 3.6.c.1 are not inconsistent with the Federal airblast requirements at 30 CFR 816,67(b)(1)(i) and 817.67(b)(1)(i), and the revisions are approved.

Subparagraph 3.6.c.3 is amended to require that all seismic monitoring follow the ISEE Field Practice Guidelines for Blasting Seismographs, unless otherwise approved in the blasting plan. We find that the proposed State revision regarding seismic/airblast monitoring is no less effective than the Federal blasting requirements at 30 CFR 816.67(b)(2) and 817.67(b)(2), and it is approved.

Subdivision 3.6.g is amended to provide that blasting within five hundred (500) feet of an underground mine not totally abandoned requires the concurrence of the Secretary and the West Virginia Office of Miners Health Safety and Training, in addition to the operator of the underground mine and the Mine Safety and Health Administration. We find the proposed State revision at Subdivision 3.6.g renders that provision substantively identical to, and, therefore, no less effective than, the Federal requirements at 30 CFR 780.13(c) regarding blasting near underground mines. Thus, it is approved.

However, WVDEP is proposing to delete existing provisions in its Surface Mining Reclamation Regulations at CSR 38–2–6.5.h that mirror those in CSR 199–1–3.6.g, but which, in addition, also provide: ''The Secretary may prohibit blasting on specific areas where it is deemed necessary for the protection of public or private property or the general welfare and safety of the public.'' The Federal requirement at 30 CFR 816.64(a) provides that the regulatory authority may limit the area covered, timing, and sequence of blasting if the regulatory authority determines that such limitations are necessary and reasonable in order to protect the public health and safety or welfare. Because of the Secretary's inability to limit blasting under its proposed Surface Mining Blasting Rule, we find the proposed deletion of CSR 38–2–6.5.h would render the State program less effective than the Federal blasting requirements at 30 CFR 816.61 through 816.68 and 817.61 through 817.68, and, in particular, 30 CFR 816.64(a). Therefore, as stated above in Finding No. 10, we are not approving the State's proposed deletion of existing Subdivision 6.5.h in its Surface Mining Reclamation Rules.

Subdivision 3.6.i is amended to require that all seismic monitoring follow the ISEE Field Practice Guidelines for Blasting Seismographs, unless otherwise approved in the blasting plan. We find that the proposed State revision regarding seismic monitoring is no less effective than the Federal blasting requirements at 30 CFR 816.67(d)(2) and 817.67(d)(2), and it is approved.

Subdivision 3.6.l is amended by adding a reference to 3.6.i in relation to the maximum airblast and ground vibration standards that do not apply to structures owned by the permittee and leased or not leased to another person. We find that the proposed State revision regarding airblast and ground vibration standards at Subdivision 3.6.l is not inconsistent with the Federal blasting requirements at 30 CFR 816.67(e) and 817.67(e), and it is approved.

*24. CSR 199–1–3.7 Blasting Control for ''Other Structures''*

Subdivision 3.7.a is amended by adding language to require that all ''other structures'' in the vicinity of the blasting area be protected from damage by the limits specified in paragraph 3.6.c.1 subdivisions 3.6.h. and 3.6.i. of this rule, unless waived in total or in part by the owner of the structure. In addition, the waiver of the protective [limits] sic may be accomplished by the establishment of a maximum allowable limit on ground vibration or air blast limits or both for the structure in the written waiver agreement between the operator and the structure owner. The waiver may be presented at the time of application in the blasting plan or provided at a later date and made available for review and approval by the Secretary. All waivers must be acquired before any blasts may be conducted [as] sic designed on that waiver. Language requiring that the operator specify the waiver in the blasting plan and that the Secretary approve the waiver is being deleted. In addition, language providing for alternative maximum allowable limits is being deleted. Given the proposed revisions, the existing language is redundant and appears unnecessary, so it is being deleted by the State.

The Federal regulations specifically set airblast limits for protected structures outside the permit area but not for ''other structures.'' In addition, they require, at 30 CFR 816.67(a) and 817.67(a), that blasting be conducted so as to prevent damage to public or private property outside the permit area. However, the Federal regulations at 30 CFR 816.67(d) and 817.67(d) require that maximum ground vibration limits be established for both protected and ''other structures.'' Because the proposed State revision requires, with respect to ''other structures,'' compliance with the airblast and ground vibration limits for protected structures, the establishment of alternative maximum allowable ground vibration or airblast limits, or both where the owner waives those limits, we find the revisions to Subdivision 3.7.a. to be no less effective than the Federal blasting requirements at 30 CFR 816.67(d) and 817.67(d), and the revisions are approved. However, to minimize confusion, we recommend that the State correct the two apparent typographical errors identified above in brackets.

*25. CSR 199–1–3.8 Pre-Blast Surveys*

The State's statutory provisions at W. Va. Code 22–3–13a currently requires that an operator or his designee must make, in writing, notifications to all owners and occupants of man-made dwellings or structures that the operator or his designee will perform pre-blast surveys. To ensure consistency with the statutory requirement, WVDEP is proposing to amend Subdivision 3.8. by adding language to provide that at least thirty days prior to commencing blasting, an operator or his designee must notify in writing, all owners and occupants of manmade dwellings or structures that the operator or the operator's designee will perform pre-blast surveys. In addition, language is added to require that attention be given to documenting and establishing the pre-blasting condition of wells and other water systems, and deleting the word ''special'' from the requirement that ''special'' attention be given to the

pre-blasting condition of wells and other water systems. We find that the State's proposed pre-blast survey requirements at Subdivision 3.8.a are no less stringent than and no less effective than the Federal pre-blast survey requirements at SMCRA section 515(b)(15)(E) and 30 CFR 816.62(a) and 817.62(a), respectively, and the proposed revisions areapproved.

Subdivision 3.8.b is amended by adding language to require: ''Surveys requested more than ten (10) days before the planned initiation of the blasting must be completed and submitted to the Secretary by the operator before the initiation of blasting.'' We find that the proposed pre-blast survey requirement at Subdivision 3.8.b is substantively identical to, and therefore, no less effective than, the Federal pre-blasting survey requirements at 30 CFR 816.62(e) and 817.62(e), and it is approved.

*26. CSR 199–1–3.9 Pre-Blast Surveyors*

Subdivision 3.9.a is amended to require that, at a minimum, individuals applying as a pre-blast surveyor must possess a high school diploma and have a combination of at least two (2) of the following:

3.9.a.1 experience in conducting pre-blast surveys, or

3.9.a.2 technical training in a construction or engineering related field, or

3.9.a.3 other related training deemed equivalent by the Secretary.

In addition, language was added to clarify that all applicants must complete the pre-blast surveyor training provided by the Secretary prior to approval to conduct pre-blast surveys. The Secretary may establish a fee for approval and training of pre-blast surveyors. Language is being deleted that provides that experience working as a pre-blast surveyor may be acceptable in lieu of the education requirement.

Subdivision 3.9.c is amended to clarify that every three (3) years after meeting initial qualifications for performing pre-blast surveys, those individuals that have met the requirements of Subdivision 3.9.a. of this rule must submit a written demonstration of qualifications of ongoing experience performing pre-blast surveys. In addition, language was added to provide that those individuals who have no ongoing experience must attend the training required in 3.9.a., and all applicants for re-approval must attend a minimum of four (4) hours continuing education training in a subject area relative to knowledge required for conducting pre-blast surveys. Furthermore, the Secretary must approve the training programs.

Subdivision 3.9.d is amended by adding language to require that individuals who assist in the collection of information for pre-blast surveys must complete, or be registered for, the pre-blast surveyor training provided by the Secretary in 3.9.a. Those registered to attend the next available training on the pre-blast survey requirements may assist in the collection of information for a period of no more than three (3) months if under the direct supervision of an approved pre-blast surveyor. The Secretary must maintain a list of all those individuals who have completed the pre-blast survey requirement training. Subdivision 3.9.d is also amended by deleting language that provides that an individual, who is not an approved pre-blast surveyor, may conduct pre-blast surveys-working as a pre-blast surveyor-in-training, only if he or she has registered to attend pre-blast surveyor training at the next available opportunity. Pre-blast surveyors-in-training may conduct pre-blast surveys only if he or she is conducting the survey under the direct supervision of an approved pre-blast surveyor. The approved pre-blast surveyor must co-sign any survey conducted by a pre-blast surveyor-in-training. Individuals may work as pre-blast surveyors-in-training for a period of no more than three months, prior to becoming approved pre-blast surveyors.

Subdivision 3.9.e is amended to provide that the Secretary may disqualify an approved pre-blast surveyor and remove the person from the list of approved pre-blast surveyors, if the person allows surveys to be submitted that do not meet the requirements of W. Va. Code 22–3–13a and subsection 3.8 of this rule. In addition, language was added to provide that any person who is disqualified may appeal to the Secretary, and if not resolved, to the Surface Mine Board.

There are no direct Federal counterparts to these requirements. However, we find that the proposed revisions to the State's pre-blast surveyor requirements at Subdivisions 3.9.a, 3.9.c, 3.9.d, and 3.9.e are not inconsistent with SMCRA section 515(b)(15) concerning the use of explosives, the Federal regulations at 30 CFR 816.61, 816.62, 817.61, and 817.62 concerning use of explosives and pre-blasting surveys, and 30 CFR 850.13, 850.14, and 850.15 concerning training, examination, and certification of blasters. Therefore, they are approved.

*27. CSR 199–1–3.10 Pre-Blast Survey Review*

Subdivision 3.10.f is amended by adding language to provide that all persons employed by the Secretary, whose duties include review of pre-blast surveys and training of pre-blast surveyors, must meet the requirements for pre-blast surveyors as set forth in section 3.9. This provision is to ensure that State employees or contractors who review pre-blast surveys or train pre-blast surveyors have the same training, qualifications, and experience as individuals who actually perform pre-blast surveys within the State.

The Federal rules lack specific provisions concerning individuals who review pre-blast surveys or train pre-blast surveyors. However, we find that the proposed addition of Subdivision 3.10.f. is not inconsistent with SMCRA section 515(b)(15) concerning the use of explosives, the Federal regulations at 30 CFR 816.61, 816.62, 817.61, and 817.62 concerning use of explosives and pre-blasting surveys, and 30 CFR 850.13, 850.14, and 850.15 concerning training, examination, and certification of blasters. Therefore, it is approved.

We must also note that our previous concern regarding the confidentiality provision at Subdivision 3.10.d which limits the use of pre-blast surveys for only evaluating blasting claims is still valid, and the approval of that requirement is still limited to the extent described in our December 10, 2003, **Federal Register** notice (68 FR 68731). We approved this provision with the understanding that the phrase, ''only used for evaluating damage claims'' does not preclude the use of pre-blast surveys to support the issuance of notices of violations, cessation orders, civil penalties or other forms of alternative enforcement action under WVSCMRA and its implementing regulations to achieve the repair of blasting damage and thus resolve a damage claim.

*28. CSR 199–1–4.1 Blaster Certification Requirements*

Subdivision 4.1.a is amended to require that each person acting in the capacity of a blaster and responsible for the blasting operation be certified by the Secretary.

Subdivision 4.1.b is amended to require that each applicant for certification be a minimum of twenty-one (21) years old. In addition, new language was added to provide that ''[a]pplicants who have blasting experience prior to the last three years, with documentation, may be considered by the Secretary on a case-by-case basis as qualifying experience for initial certification and re-certification; provided the [retraining] requirements of 4.6.c. apply.''

Subdivision 4.1.c is amended to state that the application for certification be on forms prescribed by the Secretary.

There are no direct Federal counterparts to these requirements. However, we find that the proposed revisions to the State's blaster certification requirements at Subdivisions 4.1.a, 4.1.b, and 4.1.c are not inconsistent with the Federal blaster certification requirements at 30 CFR 816.61(c), 817.61(c), 850.12(b), and 850.14(a)(2), and the revisions are approved.

*29. CSR 199–1–4.2 Training*

Subsection 4.2 is amended by adding language to provide that the training program will consist of the West Virginia Surface Mine Blasters Self-Study Guide Course and a classroom review of the self-study guide course. Completion of the classroom review part of the training program may not be required for first time applicants. Furthermore, applicants for certification or applicants for re-certification, who cannot document the experience requirements specified in Subdivision 4.1.b. of this rule, must complete the West Virginia Surface Mine Blasters Self-Study Guide.

Subdivision 4.2.a is amended to provide that, prior to certification, all applicants, not just those who choose self-study, attend a two (2) hour Blaster's Responsibilities training session addressing certified blasters' responsibilities and the disciplinary procedures contained in subsections 4.9 and 4.10 of this rule.

We find that the proposed State revisions to Subsection 4.2 and Subdivision 4.2.a are no less effective than the Federal blaster certification requirements at 30 CFR 850.12(b) and 850.13(a), and the revisions are approved.

*30. CSR 199–1–4.3 Examination*

Subdivision 4.3.b is amended to clarify that the examination for certified blaster consists of three parts.

Subdivision 4.3.d is amended to state that any person who fails to pass any part of the exam on the second attempt or every other subsequent attempt must certify that he/she has taken or retaken the classroom review training program described in subsection 4.2 of this rule prior to applying for another examination.

There are no direct Federal counterparts to these requirements. However, we find that proposed State revisions to Subdivisions 4.3.b and 4.3.d are not inconsistent with the Federal certified blaster examination requirements at 30 CFR 850.14, and the revisions are approved.

*31. CSR 199–1–4.5 Conditions or Practices Prohibiting Certification*

Subdivision 4.5.d is amended by adding language to provide that persons who have had their blasters certification suspended or revoked in any other state may be required to show cause as to why they should be considered for certification. As specifically written, the language does not comport directly with our interpretation of the State's intent when combined with the opening sentence of Subsection 4.5. However, in an email conversation with the WVDEP (Administrative Record Number WV–1514), the State indicated the language should read: ''Has had their blaster's certification suspended or revoked in any other state. The blasters may be required to show cause as to why they should be considered for certification.'' Basically, West Virginia will not certify or re-certify anyone who has had their certification in another state suspended or revoked without them showing cause why West Virginia should certify them.

Therefore, while there is no specific Federal counterpart to this State requirement and with this understanding in mind, we find that the proposed revision to Subdivision 4.5.d is not inconsistent with the Federal requirements concerning blaster certification at 30 CFR 850.15(b), and it is approved. However, we recommend that the WVDEP revise the language in Subdivision 4.5.d to match our understanding as provided in the conversation record mentioned above.

*32. CSR 199–1–4.6 Retraining*

Subdivision 4.6.c is amended to clarify that an applicant for recertification who does not meet the experience requirements of Subdivision 4.1.b of this rule must take the training course defined in section 4.2.

While there is no direct Federal counterpart to this requirement, we find that the proposed revision to Subdivision 4.6.c is not inconsistent with the Federal blaster training requirements at 30 CFR 850.13(a) and the Federal blaster recertification requirements at 30 CFR 850.15(c), and it is approved.

*33. CSR 199–1–4.7 Blaster's Certificate*

Subdivision 4.7.d is amended by adding language to clarify that a certified blaster must not take any instruction or direction on blast design, explosives loading, handling, transportation and detonation from a person not holding a West Virginia blaster's certificate, if such instruction or direction may result in an unlawful act, or an improper or unlawful action that may result in unlawful effects of a blast. In addition, a person not holding a West Virginia blaster's certification who requires a certified blaster to take such action may be prosecuted under W. Va. Code 22–3–17(c) or (i). While these revisions have no direct Federal counterparts, we find that they are not inconsistent with Federal requirements concerning blaster certification at 30 CFR 850.15, and the revisions are approved.

*34. CSR 199–1–4.9.a Suspension and Revocation*

Subparagraph 4.9.a.2 is amended by adding language relating to Imminent Harm Suspension.

Subparagraph 4.9.a.5 is amended by adding language to provide that any blaster receiving a suspension or revocation may appeal the decision to the Secretary and to the Surface Mine Board.

While these revisions have no direct Federal counterparts, we find that they are not inconsistent with the Federal requirements concerning the suspension and revocation of a blaster's certification at 30 CFR 850.15(b), and the revisions are approved.

*35. CSR 199–1–4.13 Blasting Crew*

Subsection 4.13 is amended to provide that persons who are not certified and who are assigned to a blasting crew, or assist in the use of explosives, must receive directions and on-the-job training from the certified blaster in the technical aspects of blasting operations, including applicable state and Federal laws governing the storage, transportation, and proper use of explosives. We find that the proposed State revision at Subsection 4.13 is no less effective than the Federal blaster training requirements at 30 CFR 850.13(a), and it is approved.

*36. CSR 199–1–4.14 Reciprocity With Other States*

Subsection 4.14 is amended by adding language to clarify that reciprocity is a one-time only process. New language is also added to clarify: ''Any blaster who has been issued a certification through reciprocity and fails to meet the recertification requirements will be required to reexamine and may be required to provide refresher training documentation, as per Subdivision [section] 4.6.a of this rule.''

There is no Federal counterpart to the proposed State revision. However, all State coal mining regulatory programs are subject to the same minimum

Federal blasting standards. Therefore, we find that the proposed State revision at Subsection 4.14 regarding reciprocity with other States is not inconsistent with the Federal requirements at section 719 of SMCRA and 30 CFR part 850 regarding the training, examination, and certification of blasters, and it is approved.

*37. CSR 199–1–5.2 Filing a Blasting Damage Claim*

Subdivision 5.2.a is amended to clarify that only a certified inspector will be assigned to conduct a field investigation to determine the initial merit of the damage claim and what such an investigation by a certified inspector is to include.

There is no Federal counterpart to the proposed State revision. However, we find that the revised requirement at Subdivision 5.2.a is not inconsistent with the Federal blasting requirements at 30 CFR 816.61 through 816.68 and 817.61 through 817.68, and it is approved.

Subparagraph 5.2.a.3 is amended to require that the inspector will make a written report on the investigation that describes the nature and extent of the alleged damage, taking into consideration the condition of the structure, observed defects, or pre-existing damage that is accurately indicated on a pre-blast survey, conditions of the structure that existed where there has been no blasting conducted by the operator, or other reliable indicators that the alleged damage actually pre-dated the blasting by the operator.

In addition, language was deleted and added to clarify that the inspector will make one of the following initial determinations and notify the claims administrator, make a recommendation on the merit of the claim, and supply such information that the claims administrator needs to sufficiently document the claim:

5.2.a.3.A. There is merit that blasting caused the alleged damage; or

5.2.a.3.B. There is no merit that blasting caused the alleged damage.

5.2.a.3.C. The determination of merit as to whether blasting caused or did not cause the alleged damage cannot be made.

The former Subparagraph 5.2.a.5 has been moved to Subparagraph 5.2.a.6 and is also amended to clarify that the determination as to the merit of a claim is to be made by the inspector.

Under the revised procedures, a certified inspector will investigate any claim alleging blasting damage; make an initial determination and notify the claims administrator; make a recommendation on the merit of the claim; and provide the claims administrator information to sufficiently document the claim. As revised, the inspector will initially determine whether or not there is merit that blasting caused the alleged damage. In addition, Subparagraph 5.2.a.3.C allows for the possibility that the determination of merit as to whether blasting caused or did not cause the alleged damage cannot be made. As proposed, a certified inspector will have three options to choose from with respect to the merit of a claim.

We are approving these provisions with the understanding that only the certified inspector will make the determination regarding the fact of violation and the claims administrator/adjuster is primarily responsible for determining the award amount due to the blasting damage. In situations where the determination of merit cannot be made, it is the adjuster's responsibility under Subparagraph 5.4.e to make a preliminary determination of merit and the claims administrator's responsibility under Subparagraph 5.3.d to make a final determination on the merit and loss value of the claim. Regardless, in all instances, it is the certified inspector's responsibility to make the determination regarding the fact of violation and to take appropriate enforcement action when necessary. In an email communication with OSMRE (Administrative Record Number WV–1514), the State confirmed that: ''In cases where damage is found to exist, it is the inspector's duty to write the violation. The Secretary will still be the one who ultimately decides if damage occurs based on the information provided when the claims administrator or the adjuster is involved.''

Based upon this understanding, we find that the State's revised blasting damage claims procedures at Subparagraphs 5.2.a.3 and 5.2.a.6. are consistent with the Federal inspection requirements at SMCRA section 517 and 30 CFR part 842 and are the same as or similar to the Federal enforcement and penalties procedures at SMCRA sections 518 and 521 and 30 CFR parts 840, 845, 846, and 847. Therefore, these revisions are approved.

The provisions formerly contained at Subparagraphs 5.2.a.3.C and 5.2.a.4. have been moved to Subparagraphs 5.2.a.4 and 5.2.a.5, respectively. In these revised provisions, the word ''Office'' has been changed to ''Secretary,'' and cross-references to other provisions have been amended appropriately.

We initially approved these provisions on December 10, 2003, with the understanding that, if the property owner declines to participate in the claims process, the State could conclude its involvement in that process, but the WVDEP would not be precluded from issuing a blasting-related notice of violation, cessation order, or taking other enforcement actions where blasting-related violations that cause property damage have occurred (68 FR 68735). We continue to maintain that the conclusion of the State's involvement, as provided by revised Subparagraphs 5.2.a.4.A and 5.2.a.5, is limited to the blasting claims process and not the State's enforcement process. Therefore, it is with this understanding that we are able to find that the revised State provisions at Subparagraphs 5.2.a.4.A and 5.2.a.5 regarding the blasting damage claims process are not inconsistent with SMCRA and the Federal regulations, and the revisions are approved.

*38. CSR 199–1–6 Arbitration for Blasting Damage Claims*

Subsection 6.1, relating to the listing of arbitrators, is amended by adding language to provide that once a year the Environmental Advocate, and industry representatives (selected by the West Virginia Coal Association, Inc.) may move to strike up to twenty-five percent (25%) of the list, with cause.

In addition, Subsection 6.4 is amended by adding language to require the parties to arbitration to choose an arbitrator within fifteen (15) days of receipt of the notice by the parties.

There are no Federal counterparts to the proposed State revisions. However, we find that the proposed revisions at Subsections 6.1 and 6.4 regarding the State's arbitration process are not inconsistent with the Federal blasting requirements at section 515(b)(15) of SMCRA and 30 CFR 816.61 through 816.68 and 817.61 through 817.68, and the revisions are approved.

*39. CSR 199–1–7 Explosive Material Fees*

Subsection 7.2 is amended by adding language to require copies of blast logs be submitted as necessary to verify the accuracy of the report and explosive material fee calculation made by operators.

Subsection 7.3 is also amended by adding language to provide that, for the purpose of this section, detonators, caps, detonating cords, and initiation systems are exempt from the calculation for explosive material fees. However, the Secretary may require reporting on the use of these products.

There are no Federal counterparts to the proposed State revisions regarding the explosive material fee. However, we find that the revised provisions at

Subsections 7.2 and 7.3 are not inconsistent with the Federal blasting requirements at sections 515(b)(15) and 719 of SMCRA, 30 CFR 840.12(b) and 30 CFR 816.61 through 816.68 and 817.61 through 817.68, and the revisions are approved.

Pursuant to Committee Substitute for Senate Bill 751, West Virginia proposes the following amendments to Section 22–3–11 of the WVSCMRA:

*40. WVSCMRA 22–3–11 Bonds; Amount and Method of Bonding; Bonding Requirements; Special Reclamation Tax and Funds; Prohibited Acts; Period of Bond Liability.*

This amendment revises Section 22–3–11 of the WVSCMRA relating to the State's alternative bonding system. As stated in the WVDEP's April 8, 2008, letter transmitting the program amendment, the revisions included in Committee Substitute for Senate Bill 751 related ''generally to the special reclamation tax by establishing the Special Reclamation Water Trust Fund; continuing and reimposing a tax on clean coal mined for deposit into both funds; requiring the secretary to look at alternative programs; and authorizing Secretary to promulgate legislative rules implementing the alternative programs.''

The provisions relating to the creation of the Special Reclamation Water Trust Fund and the reinstatement and increase in the special reclamation tax to 7.4 cents per ton as contained in subsections 22–3–11(g) and (h)(1), respectively, were approved by OSMRE on an interim basis in a separate **Federal Register** notice dated June 16, 2008 (73 FR 33884–33888), and public comments were later solicited on those provisions. Pursuant to the Administrative Procedure Act at 5 U.S.C. 553(b)(3)(B), we found that good cause existed to approve the revisions to subsections 22–3–11(g) and (h)(1) of the WVSCMRA on an interim basis because requiring notice and the opportunity for comment then would have delayed the start of the collection of the increased special reclamation tax. Enrolled Committee Substitute for Senate Bill 751 became effective on July 1, 2008, and the public interest in the accomplishment of prompt and thorough reclamation of bond forfeiture sites, including water treatment of discharges there from, would have been adversely affected if the 7.4 cents per ton special reclamation tax had not been collected on and after that effective date. In any event, the public still had an opportunity to comment on the reinstatement and increase in the special reclamation tax and on the creation of the Special Reclamation Water Trust Fund prior to this decision.

Subsection 22–3–11(a) of the WVSCMRA is amended by adding language to provide that the penal amount of the bond will be for each acre or fraction of an acre. Formerly, the provision stated: ''[T]he penal amount of the bond must be for each acre or fraction 'thereof.' '' The deletion of the word ''thereof'' and the addition of the words ''of an acre'' do not change the meaning of the provision, so our approval of the change is not necessary.

Subsection 22–3–11(g) of the WVSCMRA is amended by adding language to provide that the Special Reclamation Fund previously created is continued. In addition, the Special Reclamation Water Trust Fund is created within the State Treasury into and from which moneys will be paid for the purpose of assuring a reliable source of capital to reclaim and restore water treatment systems on forfeited sites. The moneys accrued in both funds, any interest earned thereon and yield from investments by the State Treasurer or West Virginia Investment Management Board are reserved solely and exclusively for the purposes set forth in WVSCMRA 22–3–11 and 17. The funds will be administered by the Secretary who is authorized to expend the moneys in both funds for the reclamation and rehabilitation of lands which were subjected to permitted surface mining operations and abandoned after August 3, 1977, where the amount of the bond posted and forfeited on the land is less than the actual cost of reclamation, and where the land is not eligible for abandoned mine land reclamation funds under W.Va. Code 22–2. The Secretary will develop a long-range planning process for selection and prioritization of sites to be reclaimed so as to avoid inordinate short-term obligations of the assets in both funds of such magnitude that the solvency of either is jeopardized. The Secretary may use both funds for the purpose of designing, constructing, and maintaining water treatment systems when they are required for a complete reclamation of the affected lands described in Subsection 11(g). The Secretary may also expend an amount not to exceed ten percent of the total annual assets in both funds to implement and administer the provisions of this article and, as they apply to the Surface Mine Board, W.Va. Code 22B–1 and 4.

Previously, the expenditure for water treatment systems was limited to fees collected under the Special Reclamation Fund. Under the proposed revisions, funds from both the Special Reclamation Fund and the Special Reclamation Water Trust Fund can be used to design, construct, and maintain water treatment systems on bond forfeiture sites. We find that the creation of the Special Reclamation Water Trust Fund into which moneys will be deposited for the purpose of designing, constructing, and maintaining water treatment systems on bond forfeiture sites when necessary, and for the purpose of completing other reclamation of bond forfeiture sites within the State affected by mining is no less stringent than the Federal alternative bonding requirement at section 509(c) of SMCRA and no less effective than the Federal alternative bonding requirements at 30 CFR 800.11(e), and the revisions are approved on a permanent basis.

Subsection 22–3–11(h)(1) of the WVSCMRA is amended by adding language to provide that, ''For tax periods commencing on and after July 1, 2008, every person conducting coal surface mining must remit a special reclamation tax as follows: (A) For the initial period of twelve months, ending June 30, 2009, 7.4 cents per ton of clean coal mined, the proceeds of which will be allocated by the Secretary for deposit in the Special Reclamation Fund and the Special Reclamation Water Trust Fund; (B) an additional 7 cents per ton of clean coal mined, the proceeds of which will be deposited in the Special Reclamation Fund. The tax will be levied upon each ton of clean coal severed or clean coal obtained from a refuse pile and slurry pond recovery or clean coal from other mining methods extracting a combination of coal and waste material as part of a fuel supply.'' While Senate Bill 751 stated that the Council was to review and make recommendations on needed adjustments to the Legislature, it also contained a proviso that the tax could ''not be reduced until the Special Reclamation Fund and Special Reclamation Water Trust Fund have sufficient moneys to meet the reclamation responsibilities of the State established in this section.'' *See* WVSCMRA Subsection (h)(1)(B).

Under the proposed changes, the State reinstated and increased the initial tax from 7 cents to 7.4 cents per ton of clean coal mined. The tax was extended by the Legislature and approved by the Governor. The proceeds from this tax are deposited in both the Special Reclamation Fund and the Special Reclamation Water Trust Fund. Given that OSMRE approved these proposed provisions on an interim bases on June 16, 2009, both the Special Reclamation Fund and the Special Reclamation Trust Fund are still in effect. See 73 FR 33884.

The WVSCMRA also provides for an additional seven cents per ton of clean coal mined to be deposited into the Special Reclamation fund, which was also to be reviewed and, if necessary, adjusted annually by the Legislature upon the recommendation of the Special Reclamation Fund Advisory Council.

Because we find the proposed State revisions at subsection 22–3–11(h)(1) to be no less stringent than the Federal alternative bonding requirements at section 509(c) of SMCRA and no less effective than the Federal alternative bonding requirements at 30 CFR 800.11(e), they are approved on a permanent basis.

Subsection 22–3–11(h)(2) of the WVSCMRA is amended to clarify that in managing the Special Reclamation Program, the Secretary will: (A) pursue cost-effective alternative water treatment strategies; and (B) conduct formal actuarial studies every two years and conduct informal reviews annually on both the Special Reclamation Fund and Special Reclamation Water Trust Fund.

Under the proposed changes, both the Special Reclamation Fund and the Special Reclamation Water Trust Fund will be reviewed informally on an annual basis and actuarial studies will be done every two years. The proposed revisions are in keeping with the sound management of an alternative bonding system. In addition, we find that the proposed revisions at subsection 22–3–11(h)(2) are no less stringent than the Federal alternative bonding requirements at section 509(c) of SMCRA and no less effective than the Federal alternative bonding requirements at 30 CFR 800.11(e), and the revisions are approved on a permanent basis.

Subsection 22–3–11(h)(3) of the WVSCMRA is amended to delete obsolete language relating to tasks that were to be completed by the Secretary by December 31, 2005, and adding additional language.

The proposed tasks outlined in this section are typical of the kinds of tasks that are undertaken under an alternative bonding system. Completion of these tasks should enable the State to make adjustments in its alternative bonding system that will ensure its long-term financial solvency. We find the proposed revisions at subsection 22–3–11(h)(3) to be no less stringent than the Federal alternative bonding requirements at section 509(c) of SMCRA and no less effective than the Federal alternative bonding requirements at 30 CFR 800.11(e), and the revisions are approved on a permanent basis.

As discussed below, Subsection 22–3–11(h)(4) of the WVSCMRA is amended.

Once the tasks mentioned under subsection 22–3–11(h)(3) are completed, the Secretary is authorized under subsection 22–3–11(h)(4) to promulgate legislative rules to implement these alternative bonding mechanisms. It is important to note that, pursuant to 30 CFR 732.17(h), any rules pertaining to the State's alternative bonding system will have to be submitted to OSMRE for approval prior to implementation. As provided by 30 CFR 732.17(g), whenever changes to laws or regulations that make up an approved State program are proposed by a State, the State must immediately submit the changes to OSMRE as an amendment. No such change to laws or regulations can take effect for the purposes of a State program until approved as an amendment. Because we find the proposed revisions at subsection 22–3–11(h)(4) to be no less stringent than the Federal alternative bonding requirements at section 509(c) of SMCRA and no less effective than the Federal alternative bonding requirements at 30 CFR 800.11(e), the revisions are approved on a permanent basis.

Subsection 22–3–11(l) of the WVSCMRA is amended by adding language to clarify that the Tax Commissioner will deposit the moneys collected with the Treasurer of the State of West Virginia to the credit of the Special Reclamation Fund and Special Reclamation Water Trust Fund. Existing language providing that the moneys in the fund are to be placed by the Treasurer in an interest-bearing account with the interest being returned to the fund on an annual basis is being deleted.

As proposed, the State Tax Commissioner is required to deposit moneys collected with the State Treasurer to the credit of both the Special Reclamation Fund and Special Reclamation Water Trust Fund. In addition, language providing for interest being returned to the fund is being deleted. In keeping with the other requirements, it is necessary to allow moneys collected by the Tax Commissioner to be deposited with the Treasurer to the credit of the Special Reclamation Water Trust Fund. Because subsection 22–3–11(g) allows interest to be earned and credited to both the Special Reclamation Fund and Special Reclamation Water Trust Fund, the provision that is being deleted at subsection 22–3–11(l) is redundant and no longer necessary. Therefore, we find the proposed revisions at subsection 22–3–11(l) to be no less stringent than the Federal alternative bonding requirements at section 509(c) of SMCRA and no less effective than the Federal alternative bonding requirements at 30 CFR 800.11(e), and the revisions are approved on a permanent basis.

Subsection 22–3–11(m) of the WVSCMRA is amended by adding the words ''in both funds'' at the end of the sentence. The provision now reads: ''At the beginning of each quarter, the secretary must advise the State Tax Commissioner and the Governor of the assets, excluding payments, expenditures and liabilities, in both funds.''

As proposed, the Secretary is required to notify the Tax Commissioner and the Governor of the assets and liabilities in both the Special Reclamation Fund and the Special Reclamation Water Trust Fund on a quarterly basis. Given the creation of the Special Reclamation Water Trust Fund, it was necessary to amend the State's financial reporting requirements. We find that the proposed State revisions at subsection 22–3–11(m) are no less stringent than the Federal alternative bonding requirements at section 509(c) of SMCRA and no less effective than the Federal alternative bonding requirements at 30 CFR 800.11(e), and the revisions are approved on a permanent basis.

## IV. Summary and Disposition of Comments

### *Public Comments*

On June 16, 2008, we published a **Federal Register** notice announcing our approval of the reinstatement and increase in the State's special reclamation tax and the creation of the Special Reclamation Water Trust Fund on an interim basis. We also asked for public comments on the proposed changes (Administrative Record Number WV–1507). On July 8, 2008, we announced receipt and requested comments on the remaining portions of the proposed State amendment (Administrative Record Number WV–1508). One organization, the West Virginia Coal Association (WVCA), responded on August 7, 2008 (Administrative Record Number WV–1512).

The WVCA stated that OSMRE's review of Senate Bill 751 (West Virginia's approved alternative bonding system (ABS), known as the Special Reclamation Fund (SRF)) should be confined to assuring that the provisions

of the legislation will not conflict with other provisions of Federal mining statutes and regulations. The WVCA said that any review beyond that, such as determination as to the adequacy of funding of the alternative bonding system (ABS), is improper as provisions of West Virginia's Special Reclamation Fund related to water treatment at bond forfeiture sites exceed the requirement of Federal mining statutes and regulations. The WVCA went on to say that any action on behalf of WVDEP regarding water treatment and the approved State ABS exceeds the requirements of SMCRA. These comments are available in their entirety at *www.regulations.gov.*

For this specific amendment, we neither reviewed the financial adequacy of the State's ABS nor are we evaluating the solvency of the ABS with regard to 30 CFR 800.11(e). Our review, at this time, is limited to the reinstatement of the 7 cents per ton special reclamation tax, its increase to 7.4 cents per ton, and the creation of the Special Reclamation Water Trust Fund. Further information regarding our approval of this component of the amendment is included in Finding 40. Given the limited scope of our review, this comment is beyond the scope of this decision. However, we want to note that issues related to use of the ABS to treat mine drainage discharges from bond forfeiture sites, as well as the State's overall approach to funding its ABS, were addressed in OSMRE's initial approval of the State's ABS, as published in the **Federal Register** on December 28, 2001 (66 FR 67446–67451) and May 29, 2002 (67 FR 37610–37626).

*Federal Agency Comments*

Pursuant to 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, on April 28, 2008, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the West Virginia program (Administrative Record Number WV–1505A). Given the publication of our interim rule in the **Federal Register** on June 16, 2008, regarding the State's reinstatement of its special reclamation tax and the creation of the Special Reclamation Water Trust Fund, we clarified in a letter dated May 14, 2008, that OSMRE would be interested in receiving comments on the proposed change to the State's special reclamation tax and any other revisions to the State's alternative bonding system as set forth in West Virginia Code 22–3–11(h)(1) (Administrative Record Number WV–1509).

We received comments from the U.S. Department of Energy (DOE) on June 5, 2008 (Administrative Record Number WV–1506). The DOE acknowledged receipt of both letters and stated that it did not have the expertise to analyze the issues underlying the State's ABS or to comment on the other proposed revisions. Although they offered no substantive comments, we appreciate the time and effort that DOE took to respond to our request.

The Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture submitted its response on June 5, 2008 (Administrative Record Number WV–1510). The NRCS did not have any comments on the proposed changes to the special reclamation tax and any other proposed changes to the State's ABS. Although NRCS also offered no substantive comments, we appreciate the time and effort that they took to respond to our request.

The Mine Safety and Health Administration (MSHA), U.S. Department of the Interior, submitted its comments on June 12, 2008 (Administrative Record Number WV–1511). MSHA acknowledged that some of the changes to the State's blasting and reclamation requirements are more restrictive than current MSHA standards, and the proposed revisions to the State's requirements for sediment control and water retention structures are newer and, in some instances, more stringent than MSHA standards. According to MSHA, because mine operators must comply with the more stringent standard, they had no concerns regarding the proposed amendments.

We concur with MSHA's comments. In those instances where a State provision may be more stringent than the Federal requirement, section 505(b) of SMCRA provides that the State requirement will not be construed to be inconsistent with the Act.

*Environmental Protection Agency (EPA) Concurrence and Comments*

Under 30 CFR 732.17(h)(11)(i) and (ii), we are required to request comments and obtain written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). On April 29, 2008, we solicited comments and the written concurrence of EPA on the proposed State revisions (Administrative Record Number 1505B). As mentioned above, we also notified EPA on May 14, 2008, that we would be interested in receiving comments on the proposed change to the State's special reclamation tax and any other revisions to the State's alternative bonding system as set forth in West Virginia Code 22–3–11(h)(1) (Administrative Record Number WV–1509).

EPA responded by letter dated September 25, 2008 (Administrative Record Number WV–1513). EPA stated that, based on 30 U.S.C. 1292, the proposed State amendments must be construed and implemented consistent with the Clean Water Act (CWA), National Pollutant Discharge Elimination System (NPDES) regulations, and other relevant environmental statutes. Accordingly, EPA provided its concurrence on the proposed State program amendments. EPA went on to provide the following comments on the proposed revisions to the State's Surface Mining Reclamation Regulations and the proposed statutory revisions to the State's alternative bonding system.

EPA commented on the proposed revisions to CSR 38–2–5.4.h.2 regarding sediment control. EPA acknowledged that it strongly supports efforts to ensure that natural drain ways are returned to natural conditions once drainage control structures are removed. EPA encouraged the use of natural erosion control techniques, such as vegetation, in lieu of rock-lined channels to the maximum extent practicable. Accordingly, EPA viewed the proposed amendment as a step in that direction.

We concur with EPA's comment. As discussed above in Finding 6, we found that the proposed changes to the State's abandonment procedures for sediment control structures at Subparagraph 5.4.h.2 were no less effective than the Federal abandonment requirements at 30 CFR 816. 46(b), 816.49(c), 816.56, 817.46(b), 817.49(c), and 817.56.

EPA commented on the State's proposed revisions to its storm water runoff requirements at CSR 38–2–5.6.a. EPA noted that the amendment exempts mining operations with permitted acreage of less than 50 acres from preparing a storm water runoff analysis and further excludes from the requirement haulroads, loadouts and ventilation facilities. EPA went on to warn that the NPDES permitting requirements do not include an exemption or limitation based on minimum permitted acreage, and these amendments cannot exempt coal mining facilities from any applicable regulations under the CWA, including the storm water regulations.

We must note that the State's storm water runoff analysis required under Subdivision 5.6.a does not relate to

storm water requirements under the CWA. As provided by CSR 38–2–5.4.b.2, all sediment control or other water retention structures used in association with mining must comply with applicable State and Federal water quality standards and meet effluent limitations as specified in an NPDES permit for all discharges. In addition, CSR 38–2–14.5.b provides that discharges from areas disturbed by surface mining cannot violate effluent limitations or cause a violation of applicable water quality standards. The monitoring frequency and effluent limitations are governed by the standards set forth in an NPDES permit issued pursuant to W. Va. Code Section 22–11 *et seq.,* the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251 *et seq.* and the rules and regulations promulgated thereunder. As discussed above in Finding 7, we found that Subdivision 5.6.a contains more specific information regarding storm impacts than the Federal rules, but the proposed revisions thereto were not inconsistent with the Federal hydrologic requirements at 30 CFR 780.21 and 784.14. Furthermore, water discharges from areas disturbed by surface mining activities must comply with NPDES effluent limitations and all applicable State and Federal water quality laws and regulations, as provided by Subdivision 14.5.b and 30 CFR 816.42 and 817.42. However, we must also note that the State has adopted a NPDES storm water policy that allows storm water discharges to be regulated in accordance with an Article 3 (SMCRA) permit revision, including incidental boundary revisions, and with the best management practices and performance standards contained in the State's surface mining law and regulations. Such storm water discharges cannot involve any coal removal, pumping of storm water, or storm water runoff commingled with mine drainage, refuse drainage, coal stockpile areas, preparation plant areas, loading areas, or unloading areas. Under the policy, the State can require any permittee to submit a NPDES modification when it is determined that such receiving stream will be better protected by an individual NPDES permit. Given that under this policy some discharges of water from areas disturbed by surface mining activities, especially underground mines, may not be subject to an individual NPDES permit as required by Subdivision 14.5.b and 30 CFR 816.42 and 817.42, further consultation and coordination with EPA is envisioned to ensure that the State's policy is consistent with SMCRA, the CWA, and their implementing regulations. The aforementioned State policy would not be part of the approved State regulatory program, because the authority for this policy resides under the CWA, not SMCRA. OSMRE is, however, interested in the mechanics of the policy and how it is to be implemented and enforced under SMCRA.

EPA supports the proposed change to the State's alternative bonding system because it addresses long term pollutional drainage.

## V. OSMRE's Decision

Based on the above findings, we are approving, with certain exceptions and understandings, the West Virginia program amendment dated April 8, 2008, as received electronically on April 17, 2008.

To implement this decision, we are amending the Federal regulations at 30 CFR part 948, which codify decisions concerning the West Virginia program. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after publication in the **Federal Register**. Section 503(a) of SMCRA requires that the State's program demonstrate that the State has the capability of carrying out the provisions of the Act and meeting its purposes. SMCRA requires consistency of State and Federal standards.

## VI. Procedural Determinations

### *Executive Order 12630—Governmental Actions and Interference With Constitutionally Protected Property Rights*

This rule would not effect a taking of private property or otherwise have taking implications that would result in public property being taken for government use without just compensation under the law. Therefore, a takings implication assessment is not required. This determination is based on an analysis of the corresponding Federal regulations.

### *Executive Order 12866—Regulatory Planning and Review and 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 exempt from OMB review under Executive Order 12866. Executive Order 13563, which reaffirms and supplements Executive Order 12866, retains this exemption.

### *Executive Order 12988—Civil Justice Reform*

The Department of the Interior has reviewed this rule as required by Section 3 of Executive Order 12988. The Department has determined that this **Federal Register** notice meets the criteria of Section 3 of Executive Order 12988, which is intended to ensure that the agency review its legislation and proposed regulations to eliminate drafting errors and ambiguity; that the agency write its legislation and regulations to minimize litigation; and that the agency's legislation and regulations provide a clear legal standard for affected conduct rather than a general standard, and promote simplification and burden reduction. Because Section 3 focuses on the quality of Federal legislation and regulations, the Department limited its review under this Executive Order to the quality of this **Federal Register** notice and to changes to the Federal regulations. The review under this Executive Order did not extend to the language of the state regulatory program or to the program amendment that the State of West Virginia drafted.

### *Executive Order 13132—Federalism*

This rule is not a ''[p]olicy that [has] Federalism implications'' as defined by Section 1(a) of Executive Order 13132 because it does not have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Instead, this rule approves an amendment to the West Virginia program submitted and drafted by that State. OSMRE reviewed the submission with fundamental federalism principles in mind as set forth in Sections 2 and 3 of the Executive Order and with the principles of cooperative federalism set forth in SMCRA. *See e.g.* 30 U.S.C. 1201(f). As such, pursuant to Section 503(a)(1) and (7) (30 U.S.C. 1253(a)(1) and (7)), OSMRE reviewed the program amendment to ensure that it is ''in accordance with'' the requirements of SMCRA and ''consistent with'' the regulations issued by the Secretary pursuant to SMCRA.

### *Executive Order 13175—Consultation and Coordination With Indian Tribal Governments*

The Department of the Interior strives to strengthen its government-to-government relationship with Tribes through a commitment to consultation with Tribes and recognition of their

right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Tribes or on the distribution of power and responsibilities between the Federal government and Tribes. Therefore, consultation under the Department's tribal consultation policy is not required. The basis for this determination is that our decision is on the West Virginia program that does not include Tribal lands or regulation of activities on Tribal lands. Tribal lands are regulated independently under the applicable, approved Federal program.

*Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

Executive Order 13211 requires agencies to prepare a Statement of Energy Effects for a rulemaking that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not significant energy action under the definition in Executive Order 13211, a Statement of Energy Effects is not required.

*National Environmental Policy Act*

Consistent with sections 501(a) and 702(d) of SMCRA (30 U.S.C. 1251(a) and 1292(d), respectively) and the U.S. Department of the Interior Departmental Manual, part 516, section 13.5(A), State program amendments are not major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

*National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act (15 U.S.C. 3701 *et seq.*) directs OSMRE to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. (OMB Circular A–119 at p. 14). This action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with SMCRA.

*Paperwork Reduction Act*

This rule does not include requests and requirements of an individual, partnership, or corporation to obtain information and report it to a Federal agency. As this rule does not contain information collection requirements, a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required.

*Regulatory Flexibility Act*

This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

*Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of $100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based on an analysis of the corresponding Federal regulations, which were determined not to constitute a major rule.

*Unfunded Mandates*

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

**List of Subjects in 30 CFR Part 948**

Intergovernmental relations, Surface mining, Underground mining.

**Thomas D. Shope,**

*Regional Director, North Atlantic—Appalachian Region.*

For the reasons set out in the preamble, 30 CFR part 948 is amended as set forth below:

## PART 948—WEST VIRGINIA

■ 1. The authority citation for Part 948 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

■ 2. Section 948.12 is amended by revising paragraph (i) and adding paragraph (j) to read as follows:

### § 948.12 State statutory, regulatory, and proposed program amendment provisions not approved.

* * * * *

(i) We are removing and reserving paragraph (i) for the following reasons:

(1) We are removing and reserving subparagraph (1) of paragraph (i) since the words ''Impoundments meeting'' have been removed from CSR 38–2–5.4.e.1.

(2) We are removing and reserving subparagraph (2) of paragraph (i) since CSR 38–2–7.4.b.1.J.1(C) has been reinserted in the State regulations.

(j) We are not approving the following provisions of the proposed West Virginia program amendment dated April 8, 2008, and received electronically on April 17, 2008:

(1) At CSR 199–1–2.27 regarding other structure, the last sentence which provides that, ''The term does not include structures owned, operated, or built by the permittee for the purpose of carrying out surface mining operations.''

(2) At CSR 199–1–2.36 regarding structure, the last sentence which provides that, ''The term does not include structures built and/or utilized for the purpose of carrying out the surface mining operation.''

(3) At CSR 38–2–2.119 regarding structure, the last sentence which provides that, ''The term does not include structures built and/or utilized for the purpose of carrying out the surface mining operation.''

(4) At CSR 38–2–6.5.h, we are not approving its deletion because the deletion of CSR 38–2–6.5.h would make CSR 199–1–3.6.g and 3.11 less effective than the Federal blasting requirements.

■ 3. Section 948.15 is amended by adding an entry to the table in chronological order by ''Date of publication of final rule'' to read as follows:

**§ 948.15 Approval of West Virginia regulatory program amendments.**

* * * * *

| Original amendment submission date | Date of publication of final rule | Citation/description |
|---|---|---|
| * | * | * |
| April 8, 2008 | May 7, 2020 | CSR 38–2–2.119 (partial approval); 38–2–3.1.c; 3.1.d; 3.2.g (qualified approval); 3.29.a (deletion); 3.32.b (deletion); 5.4.e.1 (deletion); 5.4.h.2; 5.6.a (qualified approval); 5.6.b; 5.6.d (deletion); 6.1; 6.2; 6.3–6.8 (deletions), with exception 6.5.h (deletion not approved) and 6.8.a.1 (qualified approval); 7.4.b.1.J.1(c); 14.15.c.2; 14.15.d.3; 14.15.e (deletions); 19.9; 23.3 (qualified approval); and 23.4.<br>CSR 199–1–2; 2.27 (partial approval) 2.36 (partial approval); 3.2.a; 3.2.b; 3.2.c; 3.2.d; 3.2.e (deletion); 3.3; 3.4 (qualified approval); 3.5; 3.6 (qualified approval); 3.7; 3.8 (qualified approvals/forms); 3.9; 3.10 (qualified approval); 4.1; 4.2; 4.3; 4.5 (qualified approval); 4.6; 4.7; 4.9.a; 4.13; 4.14; 5.2 (qualified approval); 6; and 7.<br>W. Va. Code 22–3–11(a); 11(g); 11(h)(l); 11(h)(2); 11(h)(3); 11(h)(4); 11(l) (deletion); and 11(m). |

[FR Doc. 2020–08150 Filed 5–6–20; 8:45 am]

BILLING CODE 4310–05–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### 32 CFR Part 112

**[Docket ID: DOD–2020–OS–0036]**

**RIN 0790–AK33**

### Indebtedness of Military Personnel

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** This final rule removes the DoD regulation concerning indebtedness of members of the Armed Forces. The rule provides internal DoD policies and assigns responsibilities governing delinquent indebtedness of members of the military services. This rule is unnecessary and imposes no burden on, nor imparts any relevant knowledge on, the public. The rule contains internal DoD processes only and is wholly contained DoD internal guidance. Therefore, this part can be removed from the CFR.

**DATES:** This rule is effective on May 7, 2020.

**FOR FURTHER INFORMATION CONTACT:** Lt Col Ryan Hendricks, 703–571–9301.

**SUPPLEMENTARY INFORMATION:** The rule is closely related to, but distinct from, 32 CFR part 113, ''Indebtedness Procedures of Military Personnel,'' which details the procedures by which a third party submits a complaint to collect valid debts against military members through wage garnishment or an involuntary allotment of the military member's pay. This rule, unlike 32 CFR part 113, does not create any burden to the public. It simply assigns responsibilities and procedures within DoD. DoD will modify 32 CFR part 113 to remove references to part 112.

It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing DoD internal policies and procedures that are publicly available in DoD Instruction 1344.09, ''Indebtedness of Military Personnel,'' most recently updated on December 8, 2008 (available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/134409p.pdf*).

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

**List of Subjects in 32 CFR Part 112**

Claims; Credit; Military personnel.

### PART 112—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 112 is removed.

Dated: April 20, 2020.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2020–08680 Filed 5–6–20; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### 32 CFR Part 144

**[Docket ID: DOD–2020–OS–0029]**

**RIN 0790–AK35**

### Service by Members of the Armed Forces on State and Local Juries

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** This final rule removes the DoD regulation containing policy for jury service on State and local juries by active duty members of the Armed Forces. This rule is unnecessary and imposes no burden on, nor imparts any relevant knowledge on, the public. The rule contains internal DoD processes only, and is wholly contained within DoD internal guidance. Therefore, this part can be removed from the CFR.

**DATES:** This rule is effective on May 7, 2020.

**FOR FURTHER INFORMATION CONTACT:** Christa Specht, 703–697–3387.

**SUPPLEMENTARY INFORMATION:** This rule was originally promulgated under the direction of 10 U.S.C. 982, ''Members: service on State and local juries,'' to establish uniform DoD policies for active duty members summoned to serve on a State or local jury. The rule was originally finalized on December 22, 2006 (71 FR 76917). This rule is unnecessary and imposes no burden on, nor imparts any relevant knowledge on, the public. It contains internal DoD policies only.

It has been determined that publication of this CFR part removal for public comment is impracticable,

unnecessary, and contrary to public interest since it is based on removing DoD internal policies and procedures that are publicly available in DoD Instruction 5525.08, ''Service by Members of the Armed Forces on State and Local Juries,'' most recently updated on January 3, 2007 (available at *https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/552508p.pdf*).

This rule is not significant under Executive Order (E.O.) 12866, ''Regulatory Planning and Review.'' Therefore, the requirements of E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' do not apply. This removal supports a recommendation of the DoD Regulatory Reform Task Force.

**List of Subjects in 32 CFR Part 144**

Courts; Intergovernmental relations; Military personnel.

## PART 144—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 144 is removed.

Dated: April 20, 2020.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2020–08688 Filed 5–6–20; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 679

**[Docket No. 200227–0066; RTID 0648–XY097]**

## Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting retention of Pacific cod by American Fisheries Act (AFA) trawl catcher/processors in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the Pacific cod total allowable catch allocated to AFA trawl catcher/processors in the BSAI has been reached.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), May 4, 2020, through 2400 hours, A.l.t., December 31, 2020.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2020 Pacific cod total allowable catch allocated to AFA trawl catcher/processors is 3,196 metric tons (mt) as established by the final 2020 and 2021 harvest specifications for groundfish in the BSAI (85 FR 13553, March 9, 2020).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the Pacific cod total allowable catch allocated to the AFA trawl catcher/processors in the BSAI has been reached. Therefore, NMFS is requiring that Pacific cod caught by AFA trawl catcher/processors in the BSAI be treated as prohibited species in accordance with § 679.21(b).

**Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay prohibiting retention of Pacific cod by AFA trawl catcher/processors in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of May 1, 2020.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by §§ 679.20 and 679.21 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: May 4, 2020.

**Hélène M.N. Scalliet,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2020–09800 Filed 5–4–20; 4:15 pm]

**BILLING CODE 3510–22–P**

# Proposed Rules

Federal Register
Vol. 85, No. 89
Thursday, May 7, 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 AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Parts 905

**[Doc. No. AMS–SC–19–0008; SC19–905–1 PR]**

## Oranges, Grapefruit, Tangerines, and Pummelos Grown in Florida; Establishment of Reporting Requirements and New Information Collection

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule invites comments on a recommendation from the Citrus Administrative Committee (Committee) to establish reporting requirements under the Federal marketing order for oranges, grapefruit, tangerines, and pummelos grown in Florida. This action would require Florida citrus handlers who handle citrus grown within the production area to register with the Committee. This proposal also announces the Agricultural Marketing Service's (AMS) intention to request approval from the Office of Management and Budget (OMB) of a new information collection.

**DATES:** Comments must be received by July 6, 2020. Pursuant to the Paperwork Reduction Act, comments on the information collection burden must be received by July 6, 2020.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or internet: *https://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *https://www.regulations.gov.* All comments submitted in response to this proposal will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

**FOR FURTHER INFORMATION CONTACT:** Jennie M. Varela, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Jennie.Varela@usda.gov* or *Christian.Nissen@usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@usda.gov.*

**SUPPLEMENTARY INFORMATION:** This action, pursuant to 5 U.S.C. 553, proposes an amendment to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Order No. 905, as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and pummelos grown in Florida. Part 905 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of producers and handlers of citrus operating within the area of production, and a public member.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this proposed rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to a marketing order may file with USDA a petition stating that the marketing order, any provision of the marketing order, or any obligation imposed in connection with the marketing order, is not in accordance with law and request a modification of the marketing order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposed rule would establish handler reporting requirements under the Order. This action would require Florida citrus handers to register annually with the Committee. This would allow the Committee to verify citrus handler information and would assist with the administration of the Order, including compliance. These changes were unanimously recommended by the Committee at a public meeting on November 14, 2019.

Section 905.7 of the Order provides the authority to require handlers to be registered with the Committee pursuant to rules recommended by the Committee and approved by the Secretary. This proposed rule would use this authority to establish a new § 905.107 in the administrative provisions of the Order, which would require Florida citrus handlers to be registered with the Committee at the beginning of each fiscal year and establish the requirements for registration. It would also require that handlers must be registered and obtain the Committee's certification as a registered handler to

ship any citrus outside the production area.

A final rule published in the **Federal Register** on March 1, 2016, (81 FR 10451) amended the Order to, in part, provide the authority to the Committee to require handlers to register with the Committee. Based on the formal rulemaking hearing record, the Committee recommended this action to provide an accurate and timely record of handlers for the purposes of fostering more efficient communication with handlers and strengthening the compliance provisions of the Order. The addition of this proposed authority, along with the other amendments included in the 2016 amendatory action, were supported by 96 percent of the growers voting and by 99 percent of the volume voted in the amendatory grower referendum.

The Committee met on November 14, 2019, and discussed establishing a requirement for handlers to register with the Committee under the Order. The issue had been raised over the course of previous meetings and Committee members recognized the need to maintain an accurate list of handlers in operation for the purposes of administering the Order and communicating with the industry. The Committee believes requiring handlers to register with the Committee at the beginning of each fiscal period would provide current and accurate handler information, improve communication between the Committee and the handlers, and assist with administering the Order, including compliance.

Currently, the Committee depends on third-party handler data from the Florida Department of Agriculture and Consumer Services (FDACS). FDACS licenses handlers pursuant to a State program and carries out the inspections required by the Order. The Committee contracts with FDACS annually to provide handler data and shipment information used to calculate handler assessments. However, given the continuing changes in the industry, and the timing of when this information is collected by FDACS, it is not always current and accurate.

During the above-mentioned Committee meetings, participants discussed that consolidation and other changes within the Florida citrus handler community have made it difficult for the Committee to maintain accurate information. Implementing the proposed handler registration in the Order would assist the Committee in its administration of the Order by updating handler contact information each fiscal period.

In recent years, citrus greening has significantly reduced Florida's fresh citrus production. For fiscal year 2012–2013, Committee data indicate fresh citrus production totaled 5.9 million boxes and was being handled by 45 handler businesses. By fiscal year 2018–2019, fresh citrus production dropped to 4.5 million boxes handled by approximately 20 handlers. These numbers obtained from the Committee represent a 24-percent decline in fresh production and a 60-percent decline in the number of handlers over a five-year period.

Due to the rapid consolidation and changing resources within the fresh citrus industry, the Committee is concerned that FDACS may, at some point, stop collecting and providing handler information. Implementing a handler registration requirement would serve as an efficient means to obtain accurate and timely handler data and assist the Committee in administering the Order relying on its own information and resources.

In accordance with the proposed registered handler requirements, handlers would need to apply for registration with the Committee prior to beginning of each fiscal year on forms provided by the Committee. The application would require handler information, including: The address for each packing facility; contact information (including telephone and email if available); and handler business classification as an individual, partnership, corporation or cooperative. Handlers would need to submit this form to the Committee no later than August 1 of each fiscal period.

To meet the requirements to become a registered handler, the handler's facilities would need to be in the production area in permanent, nonportable buildings with nonportable equipment for grading, sizing, washing and packing Florida-grown citrus. Additionally, each handler would be annually inspected by Committee staff or its authorized agents to verify compliance with these requirements. The Committee indicated all current handlers already meet these criteria. Committee staff would also verify that all assessments, reporting, and any other Order requirements have been met by the handler prior to approval of the application. If the applicant meets all of the above criteria, the applicant would be certified as a registered handler and be notified in writing by email or mail.

The Committee also agreed that the registered handler requirement would assist with administering compliance under the Order, including encouraging the timely payment of assessments. While the Committee and industry are not currently experiencing major compliance issues, given the ongoing changes to the industry and resource allocation, the Committee believes unforeseen compliance issues may arise. The handler registration requirement would serve as a preemptive measure for compliance and enforcement.

With this proposed change, the Committee would be able to cancel or deny a handler's registration certification, for good cause, with approval of Secretary. Should the handler fail to pay assessments within 90 days of the date of invoice, fail to provide required reports, or no longer have adequate facilities, the Committee would have the authority to cancel a registered handler's certification with the approval of the Secretary. Under the Committee's compliance plan, Committee staff currently refers cases of nonpayment of assessments to USDA for possible enforcement action at 60 days after the invoice is issued. The Committee determined that allowing an additional 30 days before cancellation of registration would afford handlers sufficient notice and opportunity to comply with the assessment requirements. The enforcement process for failure to submit required reports is similar.

Should a handler ship fruit without inspection, the handler's certification would be cancelled for a minimum of two weeks. In this type of situation where there is no opportunity to correct the violation, the Committee determined that a brief cancellation of certification was the most appropriate penalty. Handlers could remain in business but would not be able to ship regulated citrus out of State. The time period of cancellation could be extended, up to the maximum of the remainder of the shipping season, with the approval of the Secretary, if the violation were more serious or repetitive.

If a handler's certification is cancelled, the Committee would notify the handler in writing outlining the effective date and the reason(s) for the cancellation. If the handler corrects the deficiencies which resulted in cancellation, and notifies the Committee in writing of the correction, the Committee would recertify the handler after verification of compliance. If the handler opts to appeal the cancellation, the handler may do so by appealing to the Secretary.

If a handler is not certified as a registered handler, inspection certificates issued for lots handled by that handler would include a statement to that effect. The inspection certificate for all such lots would read ''Fails to

meet the requirements of Marketing Order 905 because the handler is not a registered handler.'' These failing certificates would be issued, regardless of the grade, size or container of the citrus inspected. The Committee would keep FDACS apprised of each handler's certification status.

The FDACS Office of Agricultural Law Enforcement releases citrus shipments for interstate commerce only if the inspection certificates indicate the shipments meet the Order's requirements. Thus, if the proposal is implemented, handlers not certified as a registered handler by the Committee would not be able to ship regulated citrus outside of the regulated area. This proposed action should serve as a strong tool to encourage compliance with the Order requirements, helping the industry to avoid potential compliance issues moving forward, or to address compliance issues without having to move to other enforcement actions.

Any handler who is denied a registered handler certificate or has a registered handler certificate cancelled would be able to appeal to the Secretary for consideration. An appeal would have to be submitted in writing to the Secretary within 90 days of the denial. After the appeal request is reviewed and considered by the Secretary, the handler would be notified of the Secretary's decision in writing.

This proposed action would require that all Florida citrus handlers register with the Committee annually. Establishing this handler registration requirement would help facilitate operations under the Order and assist with compliance, including ensuring that product is correctly inspected, and assessments are paid in a timely manner.

**Initial Regulatory Flexibility Analysis**

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought through group action of essentially small entities acting on their own behalf.

There are approximately 20 handlers of Florida citrus who are subject to regulation under the Order and approximately 500 citrus producers in the regulated area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $30,000,000, and small agricultural producers are defined as those having annual receipts of less than $1,000,000 (13 CFR 121.201).

According to data from the National Agricultural Statistics Service (NASS), the industry, and the Committee, the weighted average free on board price for fresh Florida citrus for the 2018–19 season was approximately $16.69 per carton with total shipments of around 9 million cartons. Using the number of handlers, and assuming a normal bell-curve distribution, the majority of handlers have average annual receipts of less than $30,000,000 ($16.69 times 9,023,704 cartons equals $150,605,620 divided by 20 handlers equals $7,530,281 per handler).

In addition, based on the NASS data, the weighted average grower price for the 2018–19 season was estimated at $11.05 per carton of fresh citrus. Based on grower price, shipment data, and the total number of Florida citrus growers, and assuming a normal bell-curve distribution, the average annual grower revenue is below $1,000,000 ($11.05 × 9,023,704 million cartons equals $99,711,929 divided by 500 growers equals $199,424 per grower). Thus, the majority of Florida citrus handlers and growers may be classified as small entities.

This proposed rule would establish handler reporting requirements in the Order. This action would require Florida citrus handlers to register annually with the Committee. This would allow the Committee to collect information to verify who is handling Florida citrus and would be used to assist with administering the Order, including compliance. This proposal would establish a new § 905.107 in Subpart B, Administrative Requirements, of the Order using the authority provided in § 905.7.

It is not anticipated that this change would result in any significant cost to the industry. Requiring handlers to register with the Committee would impose an increase in the reporting burden on all Florida citrus handlers. However, the information requested is readily available and would only be required to be submitted once a year. Regarding the other requirements to qualify as a registered handler, such as nonportable buildings and having the necessary equipment to prepare fruit for market, all current handlers already meet these requirements. Consequently, no additional cost would be needed to comply with the requirements to be a registered handler.

Should a handler fall out of compliance with Order requirements and lose its registered handler status, there could be some cost relative to not being able to ship regulated citrus outside of the regulated area. However, such a handler would still be able to market fruit within the regulated area and be able to address and rectify the problems that resulted in the cancellation of its registered handler status. Therefore, these costs should be minimal, and only impact handlers that have failed to comply with requirements.

This proposed action would assist the Committee in administering compliance with the Order, including the timely collection of assessments. The benefits of this proposed rule are expected to be equally available to all citrus growers and handlers, regardless of their size.

The Committee discussed the alternative of not establishing a registered handler requirement but determined that obtaining current and accurate handler information and having another enforcement tool under the Order are important.

The Committee considered multiple options regarding the potential problem of a handler shipping fruit without inspection. The Committee discussed cancelling a handler's certification indefinitely or for the rest of the fiscal period. However, the Committee recognized that there could be varying degrees of noncompliance with the inspection requirement. The Committee determined that the two-week cancellation minimum would serve as an appropriate deterrent and afford the Committee the flexibility to extend that period up to the maximum of the end of the shipping season, if the handler repeatedly violates the inspection requirements or any other requirements of the Order.

The Committee also discussed several options regarding the proposed appeals process, ranging from 30 days to appeal to an open-ended process, and whether Committee members should review appeals themselves. After discussion, the Committee determined that a 90-day period from the date of denial or cancellation would allow the handler sufficient time to contact the Committee staff and resolve the issue in a timely manner. To maintain confidentiality of information, the Committee also agreed that members themselves would not be involved in the appeal review process. The Committee agreed that an appeal could be made to the Secretary. Thus, the alternatives were rejected.

This proposal would establish one new reporting requirement for handlers and would require one new Committee form. Therefore, this proposed rule would impose an increase in the reporting burden for all handlers, which is discussed in the Paperwork Reduction Act section of this document.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

The 2019 Committee meeting was widely publicized throughout the citrus industry, and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the November 14, 2019 meeting was a public meeting, and all entities, both large and small, were able to express their views on this issue, and both producer and handler Committee members were able to assist in the development of the recommended form and procedures submitted to USDA. Interested persons are invited to submit comments on this proposed rule, including the regulatory and information collection impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *https://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 60-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

## Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces AMS's intent to request approval from OMB for a new information collection under OMB No. 0581–NEW. The new form will be merged with the forms currently approved under OMB No. 0581–0189 Fruit Crops.

This proposed rule would create a new form for Florida citrus handlers, titled Application for Registration as Fresh Citrus Handler.

*Title:* Oranges, Grapefruit, Tangerines, and Pummelos Grown in Florida; Marketing Order No. 905.

*OMB Number:* 0581–NEW.

*Type of Request:* New Collection.

*Abstract:* The information requirements in this request are essential to carry out the intent of the Act to provide the respondents the type of service they request, and to administer the Federal marketing order for oranges, grapefruit, tangerines, and pummelos grown in Florida. USDA is responsible for overseeing the Order regulating the handling of Florida citrus. The Order is effective under the Act.

The Committee unanimously recommended that Florida citrus handlers subject to the Order provide the Committee with location and contact information at the beginning of each fiscal period. This form, titled ''Application for Registration as Fresh Citrus Handler'' would be submitted directly to the Committee once each year no later than August 1. The report would provide the Committee with information on each handler location, the type of business, and the names and contact information of individuals having a financial interest in each business.

The Order authorizes the Committee to collect certain information from handlers. The information collected would only be used by authorized representatives of the USDA, including the AMS Specialty Crops Program regional and headquarters staff, and authorized employees of the Committee. All proprietary information would be kept confidential in accordance with the Act and the Order.

The proposed request for new information collection under the Order is as follows:

### Application for Registration as Fresh Citrus Handler

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to be an average of 0.165 hours per response.

*Respondents:* Handlers subject to the marketing order regulating oranges, grapefruit, tangerines, and pummelos grown in Florida.

*Estimated Number of Respondents:* 20.

*Estimated Number of Responses per Respondent:* 1.

*Estimated Total Annual Responses:* 20.

*Estimated Total Annual Burden on Respondents:* 3.3 hours.

Comments are invited 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 the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments should reference OMB No. 0581–NEW and the Marketing Order for Oranges, Grapefruit, Tangerines, and Pummelos Grown in Florida and should be sent to the USDA in care of the Docket Clerk at the previously mentioned address or at *https://www.regulations.gov.*

All responses to this notice will be summarized and included in the request for OMB approval. All comments received will become a matter of public record and will be available for public inspection during regular business hours at the address of the Docket Clerk or at *https://www.regulations.gov.*

If this proposed rule is finalized, this information collection will be merged with the forms currently approved under OMB No. 0581–0189, Fruit Crops.

## List of Subjects 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Pummelos, Reporting and recordkeeping requirements, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is proposed to be amended as follows:

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND PUMMELOS GROWN IN FLORIDA

■ 1. The authority citation for 7 CFR part 905 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Add § 905.107 to read as follows:

### § 905.107 Registered handler certification.

Each handler who handles citrus grown in the production area must be certified as a registered handler by the Committee in order to ship such regulated citrus outside of the regulated area. A handler who is certified as a registered handler is a handler who has

adequate facilities to meet the requirements for preparing citrus for market, obtains inspection on citrus handled, agrees to handle citrus in compliance with the Order's grade, size and container requirements, pays applicable assessments on a timely basis, submits reports required by the Committee, and agrees to comply with other regulatory requirements on the handling of citrus grown in the production area.

(a) *Eligibility.* Based on the criteria specified in this section, the Committee shall determine eligibility for certification as a registered handler. The Committee or its authorized agent shall inspect a handler's facilities to determine if the facilities are adequate for preparing citrus for market. To be adequate for such purposes, the facilities must be permanent, nonportable buildings located in the production area with equipment that is nonportable for the proper washing, grading, sizing and packing of citrus grown in the production area.

(b) *Application for certification.* Application for certification shall be executed by the handler by August 1st of fiscal period and filed with the Committee on a form, prescribed by and available at the principal office of the Committee, containing the following information:

(1) Business name,

(2) Address of handling facilities (including telephone, email and facsimile number),

(3) Mailing address (if different from handling facility address),

(4) Number of years in the citrus business in Florida,

(5) Type of business entity, and

(6) Names of senior officers, partners, or principal owners with financial interest in the business.

(c) *Determination of certification.* If the Committee determines from available information that an applicant meets the criteria specified in this section, the applicant shall be certified as a registered handler and informed by written notice from the Committee. Certification is effective for a fiscal period unless the Committee determines, based on criteria herein, that cancellation is warranted. If certification is denied, the handler shall be informed by the Committee in writing, stating the reasons for denial.

(d) *Cancellation of certification.* A registered handler's certification shall be cancelled by the Committee, with the approval of the Secretary, if the handler fails to pay assessments within 90 days of the invoice date, fails to provide reports to the Committee, or no longer has adequate facilities as described in this section. Cancellation of a handler's certification shall be made in writing to the handler and shall specify the reason(s) for and effective date of the cancellation. Cancellation shall be for a minimum two-week period if a handler is found to be shipping without proper inspection. The Committee shall recertify the handler's registration at such time as the handler corrects the deficiencies which resulted in the cancellation and the Committee or its agent verifies compliance. The Committee shall notify the handler in writing of its recertification.

(e) *Inspection certification.* During any period in which the handling of citrus is regulated pursuant to this part, no handler shall obtain an inspection certifying that the handler's citrus meets the requirements of the Order unless the handler has been certified as a registered handler by the Committee. Any person who is not certified as a registered handler may receive inspection from the Federal-State Inspection Service, however, the inspection certificate shall state ''Fails to meet the requirements of Marketing Order No. 905 because the handler is not a registered handler.''

(f) *Contrary shipping.* The Committee may cancel or deny a handler's registration if the handler has shipped citrus contrary to the provisions of this part. The cancellation or denial of a handler's registration shall be effective for a minimum of two weeks and not exceed the applicable shipping season as determined by the Committee.

(g) *Appeals.* Any handler who has been denied a handler's registration or who has had a handler's registration cancelled, may appeal to the Secretary, supported by any arguments and evidence the handler may wish to offer as to why the application for certification or recertification should have been approved. The appeal shall be in writing and received at the Specialty Crops Program office in Washington, DC within 90 days of the date of notification of denial or cancellation.

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2020–09346 Filed 5–6–20; 8:45 am]

BILLING CODE P

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 1250

**[Document No. AMS–LP–19–0113]**

## Egg Research and Promotion; Reapportionment

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would adjust representation on the American Egg Board (Board), established under the Egg Research and Consumer Information Act of 1974 (Act), and outlines changes to geographic areas based on sustained changes in egg production in several States. The Egg Research and Promotion Order (Order) establishes a Board composed of 18 members. Currently, the 48 contiguous States are divided into 6 areas with 3 members representing each area. This proposed rule would reduce the number of geographic areas from six to three. The number of Board members representing each geographic area would change to six. The total Board membership would remain at 18.

**DATES:** Submit comments on or before June 8, 2020.

**ADDRESSES:** Comments should be posted online at *www.regulations.gov.* Comments received will be posted without change, including any personal information provided. All comments should reference the docket number AMS–LP–19–0113, the date of submission, and the page number of this issue of the **Federal Register**. Comments may also be sent to Craig Shackelford, Agricultural Marketing Specialist; Research and Promotion Division; Livestock and Poultry Program, AMS, USDA; Room 2608–S, STOP 0251, 1400 Independence Avenue SW, Washington, DC 20250–0251; or via fax to (202) 720–1125. Comments will be made available for public inspection at the above address during regular business hours or via the internet at *www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Craig Shackelford, Research and Promotion Division, at (470) 315–4246; fax (202) 720–1125; or by email at *Craig.shackelford@usda.gov.*

**SUPPLEMENTARY INFORMATION:**

### Background and Proposed Action

The Act authorizes the Secretary to establish an Egg Board composed of egg producers or representatives of egg producers appointed by the Secretary so that the representation of egg producers

on the Board reflects, to the extent practicable, the proportion of eggs produced in each geographic area of the United States. 7 U.S.C. § 2707(b). This proposal invites comments on changing the Board's membership under the Order. The Board administers the Order with oversight by the U.S Department of Agriculture (USDA).

The Order outlines the geographic representation of the current 18-member board, composed of members from six distinct geographical areas. To ensure that representation on the Board remains representative of the industry, § 1250.328 of the Order provides for reapportionment of Board membership based on the Board's periodic review of production by geographic area. This periodic review can occur at any time based on changes in egg production in various geographical areas; however, the Order requires that the area distribution be reviewed at least every 5 years. Sections 1250.328(d) and (e) of the Order provide that any changes in the delineation of the geographical areas and the area distribution of the Board be determined by the percentage of total U.S. egg production.

**Reapportionment**

The Board and the Agricultural Marketing Service (AMS) reviewed production data to determine what, if any, changes are needed in the distribution of Board membership. The Board and AMS verified certain shifts in production trends. Section 8 of the Act (7 U.S.C. 2707) provides for a Board of not more than 20 members. Section 1250.328 of the Order provides for an 18-member Board and contemplates changes to the Board by determining the percentage of United States egg production in each area times 18 (total Board membership) and rounding to the nearest whole number. Using the calculation for the North Atlantic region results in 2 members while the calculation for the other 5 regions result in 3 members each, for a total 17 members, one less than the number stated in the Order. Therefore, regions must be changed so that the 18-member Board can be established. Table 1 shows that reducing regions from six to three will expand the number of States included in each region and suggests that the grouping of more States into fewer regions would improve consistency in the proportion of small versus large farms represented on the Board.

TABLE 1—REGIONAL POULTRY FARM DISTRIBUTION—CURRENT AND PROPOSED

| Region | Small firms <$1,000,000 | | Large $1,000,000+ | | Total | States |
|---|---|---|---|---|---|---|
| **Current Geographical Area** | | | | | | |
| I | 27,243 | 93% | 2,172 | 7% | 29,415 | 13 |
| II | 29,077 | 76% | 9,042 | 24% | 38,119 | 9 |
| III | 27,774 | 95% | 1,575 | 5% | 29,349 | 5 |
| IV | 24,652 | 96% | 1,102 | 4% | 25,754 | 10 |
| V | 7,292 | 96% | 312 | 4% | 7,604 | 3 |
| VI | 32,750 | 97% | 1,108 | 3% | 33,858 | 10 |
| | 148,788 | 91% | 15,311 | 9% | 164,099 | 50 |
| **Proposed Geographical Area** | | | | | | |
| I | 63,513 | 87% | 9,891 | 13% | 73,404 | 21 |
| II | 48,482 | 92% | 4,299 | 8% | 52,781 | 10 |
| III | 36,793 | 97% | 1,121 | 3% | 37,914 | 19 |
| | 148,788 | 91% | 15,311 | 9% | 164,099 | 50 |

This table also shows the distribution of farms represented by size, and the proportion of farms that are small versus large. With the inclusion of more states into fewer regions, the proportion of small versus large farms becomes less variable. For example, in Regions I and II in the current structure, 93 percent and 76 percent, respectively, of the firms in these regions are classified as small. When the structure is changed, as proposed, the two regions are more or less combined, and the new Region I is composed of 87 percent small firms. The table shows less variation in size between the three proposed new regions than there is in the current structure.

Section 1250.326 of the Order establishes a Board, composed of 18 egg producers or representatives of egg producers, and 18 specific alternates, appointed by the Secretary from nominations submitted by eligible organizations, associations, or cooperatives, or by other producers pursuant to § 1250.328. The current 18-member Board is composed of 3 members representing each of the 6 regions. No changes to the total number of members (18 members with 18 alternates) is proposed. However, regions would be reduced to three from six and each region would include more States.

Pursuant to the requirements of the Order, the Board began its most recent review of Board member apportionment in 2019. Production data from the 2018 National Agricultural Statistics Service (NASS) report was used to establish the percentage of U.S. egg production in each area. The goal of this reapportionment of Board members is to ensure representation on the Board remains consistent with the Act and Order by recognizing production shifts over time. If finalized, these changes would become effective with the Secretary's appointments for terms beginning in the year 2021.

The Board and AMS recognize that shifts in production have resulted in the Northeast region no longer being proportionately represented on the Board. The Board and AMS also found that industry consolidation has also contributed to a more limited number of egg producing entities in each region. The Board and AMS desire a structure that allows the full representation of the egg producing entities. The Board and AMS have found that it is increasingly difficult for State nominating organizations to present an appropriate number of candidates each year. By reducing the number of regions and increasing the geographic size of regions, the Board and AMS believe that more egg producing entities may be represented on the Board.

This proposed rule would result in the proportionate representation of each

geographic area and increase the number of egg producing entities represented in each geographic area. The Board and AMS have determined that these changes will better represent the distribution of egg production and enable eligible nominating organizations to more easily identify potential nominees.

In accordance with § 1250.328(e) of the Order, the Board has recommended changes to the number and composition of geographic regions represented on the Board.

The current and proposed representation are indicated in the following two tables:

TABLE 2—CURRENT GEOGRAPHICAL DISTRIBUTION AND NUMBER OF MEMBERS ON THE BOARD

| Geographic area | Current number of members | Represented States |
|---|---|---|
| I—North Atlantic | 3 | Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and District of Columbia. |
| II—South Atlantic | 3 | Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, and South Carolina. |
| III—East North Central | 3 | Kentucky, Michigan, Missouri, Ohio, and Tennessee. |
| IV—West North Central | 3 | Colorado, Idaho, Illinois, Indiana, Minnesota, Montana, North Dakota, South Dakota, Wisconsin, and Wyoming. |
| V—South Central | 3 | Iowa, Kansas, and Nebraska. |
| VI—Western | 3 | Arizona, California, Nevada, New Mexico, Oregon, Texas, Utah, and Washington. |

TABLE 3—PROPOSED GEOGRAPHICAL DISTRIBUTION AND NUMBER OF MEMBERS ON THE BOARD

| Proposed geographic area | Proposed number of members | Proposed States represented |
|---|---|---|
| I—East | 6 | Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, the District of Columbia, Alabama, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Texas. |
| II—Central | 6 | Arkansas, Oklahoma, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. |
| III—West | 6 | Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah, Washington, and Wyoming. |

Membership changes are based on production in the proposed geographic areas, noting that changes to Board distribution will be accomplished by determining the percentage of reported cases of eggs produced in each area times 18 (total Board membership) and rounding to the nearest whole number, as follows:

TABLE 4—PROJECTED BOARD MEMBERSHIP

| Proposed geographical areas | USDA reported cases of eggs produced | Percent of total production | Percent of total production multiplied by 18 board members | Projected board membership |
|---|---|---|---|---|
| I—East | 35,724,500,000 | 32.72 | 5.89 | 6 |
| II—Central | 36,942,400,000 | 33.83 | 6.09 | 6 |
| III—West | 36,525,200,000 | 33.45 | 6.02 | 6 |
| Total U.S. Production | 109,192,100,000 | 100 | 100 | 18 |

This proposed rule would apply to the nomination process in 2020 and affect the board members appointed by the Secretary to serve on the Board beginning in 2021.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments received in response to this rule by the date specified will be considered prior to finalizing this action.

**Executive Orders 12866, 13563, and 13771**

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This rule does not meet the definition of a significant regulatory action contained in section 3(f) of Executive Order 12866 and therefore, the Office of Management and Budget (OMB) has waived review of this action. Additionally, because this rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in

Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

**Executive Order 12988**

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

There are no administrative proceedings that must be exhausted prior to any judicial challenge to the provisions of this rule.

**Executive Order 13175**

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments or significant Tribal implications.

**Paperwork Reduction Act**

In accordance with OMB regulations (5 CFR part 1320) that implement the Paperwork Reduction Act of 1995 (44 U.S.C. part 35), the information collection and recordkeeping requirements contained in the Order and accompanying Rules and Regulations have previously been approved by OMB and were assigned OMB control number 0581–0093. This proposal would not increase or impose any new information collection or recordkeeping requirements.

**Initial Regulatory Flexibility Act**

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–622), AMS considered the economic effect of this action on small entities and determined that this proposed rule would not have a significant economic impact on a substantial number of small entities. The purpose of RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly burdened. The Small Business Administration (SBA) published an interim final rule that became effective on August 19, 2019, (84 FR 34261) that adjusts the monetary-based size standards for inflation. As a result of this rule, the size classification for small egg-producing firms changed from sales of $750,000 or less to sales of $1,000,000 or less.

According to USDA's NASS, USDA collects data for the Agriculture Census (Ag Census) using the North American Industry Classification System (NAICS). The NAICS classifies economic activities and was developed to provide a consistent framework for the collection, analysis, and dissemination of industrial statistics used by government policy analysts, academia and the business community. It is the first industry classification system developed in accordance with a single principle of aggregation that production units using similar production processes should be grouped together.

In the 2017 Ag Census, the poultry and egg production classification (classification category 1123) comprises establishments primarily engaged in breeding, hatching, and raising poultry for meat or egg production. The 2017Ag Census shows there were 164,099 reported poultry farms in the United States and 36,012 egg producers. Ag Census data includes sales category ranges for the poultry sector as a whole but does not include separate sales categories for egg producers. Instead, NASS provides data for the broader category of ''Poultry and Eggs.'' Therefore, AMS is not able to obtain stand-alone sales data for egg-producing farms. As a result, for this RFA, AMS used the broader category of poultry producers as the closest possible substitute as the basis for determining the size of egg producers.

Of the 164,099 poultry producers identified in the 2017 Census of Agriculture, 148,788 (91 percent) reported sales of less than $1,000,000 and would therefore fall under the SBA definition of small business. Therefore, the remaining 15,311 (9 percent) producers would be considered large. If the egg producer segment has the same proportional distribution across firm sizes, 91 percent, or 32,771 egg producers would be classified as small businesses, and 9 percent, or 3,241 egg producers would be considered large.

Sales data are also available at the state level for the overall poultry segment. Using this data, and the assumption that the proportion of large and small poultry farms similarly applies to egg producers, Table 1 shows how the proposed changes in geographical areas will shift producer representation on the Board.

The proposed rule imposes no new burden on the industry, as it only adjusts representation on the Board to reflect changes in egg production. The adjustments are required by the Order and would not result in a change in the overall number of Board members. Even if most egg producers are small entities, this action does not change their ability to qualify for representation on the Board or add any new burden. In conclusion, AMS believes that reducing the regions from six to three and increasing the number of States within each region will contribute to greater representation of egg producing firms on the Board.

AMS is committed to complying with the E-Government Act of 2002 to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to government information and services, and for other purposes.

AMS has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

**List of Subjects in 7 CFR Part 1250**

Administrative practice and procedure, Advertising, Agricultural research, Eggs and Egg products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS proposes to amend 7 CFR part 1250 as follows:

## PART 1250—EGG PROMOTION AND RESEARCH

■ 1. The authority citation for 7 CFR part 1250 continues to read as follows:

**Authority:** 7 U.S.C. 2701–2718 and 7 U.S.C. 7401.

■ 2. Amend § 1250.510 by revising paragraphs (a) and (b) to read as follows:

**§ 1250.510 Determination of Board Membership.**

(a) Pursuant to § 1250.328 (d) and (e), the 48 contiguous States of the United States shall be grouped into three geographic areas, as follows: Area I (East)—Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, the District of Columbia, Alabama, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina and Texas; Area II (Central)—Arkansas, Oklahoma, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin; Area III (West)—Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah, Washington, and Wyoming.

(b) Board representation among the three geographic areas is apportioned to reflect the percentages of United States egg production in each area times 18 (total Board membership). The distribution of members of the Board is: Area I–6, Area II–6, and Area III–6. Each

member will have an alternate appointed from the same area.

* * * * *

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2020–09010 Filed 5–6–20; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2020–0449; Product Identifier 2020–NM–038–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Airbus SAS Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to supersede Airworthiness Directive (AD) 2017–19–24, which applies to certain Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The FAA also proposes to supersede AD 2018–16–04, which applies to Airbus SAS Model A320–216, –251N, and –271N airplanes; and Model A321–251N, –253N, and –271N airplanes; as well as the models in AD 2017–19–24. Those ADs require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance requirements and airworthiness limitations. Since AD 2018–16–04 was issued, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which will be incorporated by reference. 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 22, 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For the EASA material identified in this proposed AD that will be incorporated by reference (IBR), contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.*

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

You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0449.

### 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–2020–0449; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *sanjay.ralhan@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–2020–0449; Product Identifier 2020–NM–038–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

### Discussion

The FAA issued AD 2018–16–04, Amendment 39–19344 (83 FR 39581, August 10, 2018) (''AD 2018–16–04'') for certain Airbus SAS Model A318 series airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, –233, –251N, and –271N airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –253N, and –271N airplanes. AD 2018–16–04 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive maintenance requirements and airworthiness limitations. The FAA issued AD 2018–16–04 to address the risks associated with the effects of aging on airplane systems. Such effects could change system characteristics, leading to an increased potential for failure of certain life-limited parts, and reduced structural integrity or controllability of the airplane. AD 2018–16–04 specifies that accomplishing the revision required by paragraph (g) of that AD terminates all requirements of AD 2017–19–24 Amendment 39–19054 (82 FR 44900, September 27, 2017) (''AD 2017–19–24'').

### Actions Since AD 2018–16–04 Was Issued

Since AD 2018–16–04 was issued, the FAA has determined that new or more restrictive airworthiness limitations are necessary.

The EASA, which is the Technical Agent for the Member States of the

European Union, has issued EASA AD 2020–0034, dated February 25, 2020 (''EASA AD 2020–0034'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus SAS Model A318 series airplanes; Model A319–111, A319–112, A319–113, A319–114, A319–115, A319–131, A319–132, A319–133, A319–151N, and A319–153N airplanes; Model A320–211, A320–212, A320–214, A320–215, A320–216, A320–231, A320–232, A320–233, A320–251N, A320–252N, A320–253N, A320–271N, A320–272N, and A320–273N airplanes; and Model A321 series airplanes. EASA AD 2020–0034 supersedes EASA AD 2017–0170 (which corresponds to FAA AD 2018–16–04). Model A320–215 airplanes are not certified by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

Airplanes with an original airworthiness certificate or original export certificate of airworthiness issued after November 7, 2019 must comply with the airworthiness limitations specified as part of the approved type design and referenced on the type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is proposing this AD to address the risks associated with the effects of aging on airplane systems. Such effects could change system characteristics, leading to an increased potential for failure of certain life-limited parts, and reduced structural integrity or controllability of the airplane. See the MCAI for additional background information.

**Related IBR Material Under 1 CFR Part 51**

EASA AD 2020–0034 describes airworthiness limitations for system equipment maintenance requirements.

This AD would also require Airbus SAS A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 4, ''System Equipment Maintenance Requirements (SEMR),'' Revision 05, dated April 6, 2017, which the Director of the Federal Register approved for incorporation by reference as of September 14, 2018 (83 FR 39581, August 10, 2018).

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

**FAA's Determination and Requirements of This Proposed AD**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to a bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD because the agency evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

**Proposed AD Requirements**

This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, which are specified in EASA AD 2020–0034, described previously, as incorporated by reference. Any differences with EASA AD 2020–0034 are identified as exceptions in the regulatory text of this AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (l)(1) of this proposed AD.

**Explanation of Required Compliance Information**

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0034 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0034 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD.

Service information specified in EASA AD 2020–0034 that is required for compliance with EASA AD 2020–0034 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0449 after the FAA final rule is published.

**Airworthiness Limitation ADs Using the New Process**

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c).

**Costs of Compliance**

The FAA estimates that this proposed AD affects 1,553 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from AD 2018–16–04 to be $7,650 (90 work-hours × $85 per work-hour).

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. In the past, the agency has estimated that this action takes 1 work-hour per airplane. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate

is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new proposed actions to be $7,650 (90 work-hours × $85 per work-hour).

## Authority for This Rulemaking

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

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

## Regulatory Findings

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

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

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

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

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

## List of Subjects in 14 CFR Part 39

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

## The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2017–19–24 Amendment 39–19054 (82 FR 44900, September 27, 2017); and AD 2018–16–04, Amendment 39–19344 (83 FR 39581, August 10, 2018); and adding the following new AD:

**Airbus SAS:** Docket No. FAA–2020–0449; Product Identifier 2020–NM–038–AD.

**(a) Comments Due Date**

The FAA must receive comments by June 22, 2020.

**(b) Affected ADs**

This AD replaces AD 2017–19–24, Amendment 39–19054 (82 FR 44900, September 27, 2017) (''AD 2017–19–24''); and 2018–16–04, Amendment 39–19344 (83 FR 39581, August 10, 2018) (''AD 2018–16–04'').

**(c) Applicability**

This AD applies to the Airbus SAS airplanes specified in paragraphs (c)(1) through (4) of this AD, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 7, 2019.

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

(2) Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, and –153N airplanes.

(3) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes.

**(d) Subject**

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

**(e) Reason**

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address the risks associated with the effects of aging on airplane systems. Such effects could change system characteristics, leading to an increased potential for failure of certain life-limited parts, and reduced structural integrity or controllability of the airplane.

**(f) Compliance**

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

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

This paragraph restates the requirements of paragraph (g) of AD 2018–16–04, with no changes. Within 90 days after September 14, 2018 (the effective date of AD 2018–16–04), revise the existing maintenance or inspection program, as applicable, to incorporate Airbus SAS A318/A319/A320/A321 Airworthiness Limitations Section (ALS) Part 4, ''System Equipment Maintenance Requirements (SEMR),'' Revision 05, dated April 6, 2017. The initial compliance time for doing the revised actions is at the applicable time specified in Airbus SAS A318/A319/A320/A321 ALS Part 4, ''System Equipment Maintenance Requirements (SEMR),'' Revision 05, dated April 6, 2017. Accomplishing the maintenance or inspection program revision required by paragraph (i) of this AD terminates the requirements of this paragraph.

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

This paragraph restates the requirements of paragraph (h) of AD 2018–16–04, with a new exception. Except as required by paragraph (i) of this AD, after the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l)(1) of this AD.

**(i) New Maintenance or Inspection Program Revision**

Except as specified in paragraph (j) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0034, dated February 25, 2020 (''EASA AD 2020–0034''). Accomplishing the maintenance or inspection program revision required by this paragraph terminates the requirements of paragraph (g) of this AD.

**(j) Exceptions to EASA AD 2020–0034**

(1) The requirements specified in paragraphs (1) and (2) of EASA AD 2020–0034 do not apply to this AD.

(2) Paragraph (3) of EASA 2020–0034 specifies revising ''the AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, to incorporate the ''tasks and associated thresholds and intervals'' specified in paragraph (3) of EASA 2020–0034 within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA 2020–0034 is at the applicable ''associated thresholds'' specified in paragraph (3) of EASA AD 2020–0034, or within 90 days after the effective date of this AD, whichever occurs later.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2020–0034 do not apply to this AD.

(5) The ''Remarks'' section of EASA AD 2020–0034 does not apply to this AD.

**(k) New Provisions for Alternative Actions and Intervals**

After the maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved in the provisions of the ''Ref. Publications'' section of EASA AD 2020–0034.

**(l) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation 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 Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (m)(3) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

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

(ii) AMOCs approved previously for AD 2018–16–04 are approved as AMOCs for the corresponding provisions of EASA AD 2020–0034 that are required by paragraph (g) of this AD.

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

(3) *Required for Compliance (RC):* For any service information referenced in EASA AD 2020–0034 that contains RC procedures and tests: Except as required by paragraph (l)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

**(m) Related Information**

(1) For information about EASA AD 2020–0034, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.*

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

(3) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3223; email *sanjay.ralhan@faa.gov.*

Issued on April 30, 2020.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2020–09698 Filed 5–6–20; 8:45 am]

BILLING CODE 4910–13–P

---

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2020–0448; Product Identifier 2020–NM–050–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Dassault Aviation Airplanes

**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 Dassault Aviation Model Falcon 10 airplanes. This proposed AD was prompted by a report of hydraulic fluid on the ground near the main landing gear (MLG) brake assembly. The hydraulic leakage started in a cracked hydraulic pipe, with the crack likely due to chafing between two hydraulic pipes or between hydraulic pipes and structure. This proposed AD would require an inspection for chafing or interference of certain hydraulic pipes and certain rib passage holes, and, depending on findings, modification or repair, as specified in a European Union Aviation Safety Agency (EASA) AD, which will be incorporated by reference. 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 22, 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 the material identified in this proposed AD that will be incorporated by reference (IBR), contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 1000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this IBR material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0448.

### 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–2020–0448; 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:** Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3226; email *tom.rodriguez@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–2020–0448; Product Identifier 2020–NM–050–AD'' at the beginning of your comments. The FAA specifically invites comments on the overall regulatory, economic,

environmental, and energy aspects of this NPRM. The FAA will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

**Discussion**

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0072, dated March 26, 2020 (''EASA AD 2020–0072'') (also referred to as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Dassault Aviation Model Falcon 10 airplanes.

This proposed AD was prompted by a report of hydraulic fluid on the ground near the MLG brake assembly. The hydraulic leakage started in a cracked System #2 hydraulic pipe, with the crack likely due to chafing between two hydraulic pipes or between hydraulic pipes and structure. The FAA is proposing this AD to address chafed or cracked hydraulic pipes, which could lead to hydraulic fluid leakage near an ignition source and possibly result in an uncontained fire. See the MCAI for additional background information.

**Related IBR Material Under 1 CFR Part 51**

EASA AD 2020–0072 describes procedures for an inspection for chafing or interference of the System #2 hydraulic pipes and rib 1 to rib 2a passage holes, and, depending on findings, modification to prevent interference or chafing at rib passage holes or repair. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

**FAA's Determination and Requirements of This Proposed AD**

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

**Proposed AD Requirements**

This proposed AD would require accomplishing the actions specified in EASA AD 2020–0072 described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

**Explanation of Required Compliance Information**

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities (CAAs) to use this process. As a result, EASA AD 2020–0072 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2020–0072 in its entirety, through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2020–0072 that is required for compliance with EASA AD 2020–0072 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0448 after the FAA final rule is published.

**Costs of Compliance**

The FAA estimates that this proposed AD affects 85 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

| Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|
| 2 work-hours × $85 per hour = $170 | None | $170 | $14,450 |

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

| Labor cost | Parts cost | Cost per product |
|---|---|---|
| Up to 24 work-hours × $85 per hour = $2,040 | Up to $5,500 | $7,540 |

**Authority for This Rulemaking**

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA

with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

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

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

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

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

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

**List of Subjects in 14 CFR Part 39**

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

**The Proposed Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

**Dassault Aviation:** Docket No. FAA–2020–0448; Product Identifier 2020–NM–050–AD.

**(a) Comments Due Date**

We must receive comments by June 22, 2020.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to all Dassault Aviation Model Falcon 10 airplanes, certificated in any category.

**(d) Subject**

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

**(e) Reason**

This AD was prompted by a report of hydraulic fluid on the ground near the main landing gear brake assembly. The hydraulic leakage started in a cracked System #2 hydraulic pipe, with the crack likely due to chafing between two hydraulic pipes or between hydraulic pipes and structure. The FAA is issuing this AD to address chafed or cracked hydraulic pipes, which could lead to hydraulic fluid leakage near an ignition source and possibly result in an uncontained fire.

**(f) Compliance**

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

**(g) Requirements**

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2020–0072, dated March 26, 2020 (''EASA AD 2020–0072'').

**(h) Exceptions to EASA AD 2020–0072**

(1) Where EASA AD 2020–0072 refers to its effective date, this AD requires using the effective date of this AD.

(2) The ''Remarks'' section of EASA AD 2020–0072 does not apply to this AD.

**(i) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Large Aircraft Section, International Validation 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 Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

**(j) Related Information**

(1) For information about EASA AD 2020–0072, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email *ADs@easa.europa.eu;* Internet *www.easa.europa.eu.* You may find this EASA AD on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0448.

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

Issued on April 30, 2020.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2020–09640 Filed 5–6–20; 8:45 am]

**BILLING CODE 4910–13–P**

---

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2020–0352; Airspace Docket No. 18–AAL–4]**

**RIN 2120–AA66**

## Proposed Amendment of Class E Airspace; Sitka, AK

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class E airspace, designated a surface area, at Sitka Rocky Gutierrez Airport, Sitka, AK. To properly size the area, the extension southwest of the airport should be reduced. The extension northwest of the airport is not required and should be removed. This action also proposes to establish a Class E airspace area, designated as an extension to a Class D or Class E surface area, northwest of the airport. Additionally, this action proposes to properly size Class E airspace extending upward from 700 feet above the surface. The extension southwest of the airport should increase in size and the extension northwest of the airport is not required and should be removed. Further, this action proposes to remove Class E airspace extending upward from 1,200 feet above the surface. This area is wholly contained within the Alaska southeast en route area and duplication is not necessary. Lastly, this action proposes numerous administrative

corrections to the airspace legal descriptions. This action would ensure the safety and management of IFR operations at the airport.

**DATES:** Comments must be received on or before June 22, 2020.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2020–0352; Airspace Docket No. 18–AAL–4, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

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

**SUPPLEMENTARY INFORMATION:**

## Authority for This Rulemaking

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

## Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0352; Airspace Docket No. 18–AAL–4''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

## Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

## Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

## The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending Class E airspace, designated a surface area, at Sitka Rocky Gutierrez Airport, Sitka, AK. This area is designed to contain arriving IFR aircraft descending below 1,000 feet above the surface and IFR departures until reaching 700 feet above the surface. The area is larger than required. The extension to the southwest of the airport should be reduced. The extension northwest of the airport is not required and should be removed. This area is described as follows: That airspace extending upward from the surface within a 4.1-mile radius of Sitka Rocky Gutierrez Airport, and 1.5 miles each side of the 209° bearing from the airport, extending from the 4.1-mile radius to 4.4 miles southwest of the Sitka Rocky Gutierrez Airport.

This action also proposes to establish a Class E airspace area, designated as an extension to a Class D or Class E surface area, at the airport. The area would be northwest of the airport and is designed to contain IFR aircraft descending below 1,000 feet above the surface. This area is described as follows: That airspace extending upward from the surface 4 miles north and 8 miles south of the 315° bearing from the airport, extending from 0.9 miles northwest of the airport to 28.3 miles northwest of the Sitka Rocky Gutierrez Airport.

Additionally, this action proposes to amend Class E airspace extending upward from 700 feet above the surface. This area is designed to contain arriving IFR aircraft descending below 1,500 feet above the surface and departing IFR aircraft until reaching 1,200 feet above the surface. The extension southwest of the airport should increase in size to contain arriving and departing IFR aircraft. The extension northwest of the airport is not required and should be removed. This area is described as follows: That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the airport, and within 5 miles each side of the 216° bearing from the airport, extending from the 6.6-mile radius to 26 miles southwest of the Sitka Rocky Gutierrez

Airport; excluding that airspace that extends beyond 12 miles from the coast.

Further, this action proposes to remove Class E airspace extending upward from 1,200 feet above the surface. This airspace is wholly contained within the Alaska southeast en route area and duplication is not necessary.

Lastly, this action proposes several administrative corrections to the airspace legal descriptions. The airport's geographic coordinates do not match the FAA database and should be updated to lat. 57°02′49″ N, long. 135°21′40″ W. The Class E surface airspace should be full time; the following two sentences do not accurately represent the time of use and should be removed: ''This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.''

Class E2, E4, and E5 airspace designations are published in paragraphs 6002, 6004, and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

## Regulatory Notices and Analyses

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

## Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

## List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

## The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

### § 71.1 [Amended]

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

*Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.*

* * * * *

**AAL AK E2 Sitka, AK [Amended]**

Sitka Rocky Gutierrez Airport, AK
(Lat. 57°02′49″ N, long. 135°21′40″ W)

Within a 4.1 mile radius of Sitka Rocky Gutierrez Airport, and 1.5 miles each side of the 209° bearing from the airport, extending from the 4.1-mile radius to 4.4 miles southwest of the Sitka Rocky Gutierrez Airport.

*Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.*

* * * * *

**AAL AK E4 Sitka, AK [New]**

Sitka Rocky Gutierrez Airport, AK
(Lat. 57°02′49″ N, long. 135°21′40″ W)

That airspace extending upward from the surface 4 miles north and 8 miles south of the 315° bearing from the airport, extending from 0.9 miles northwest of the airport to 28.3 miles northwest of the Sitka Rocky Gutierrez Airport.

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

* * * * *

**AAL AK E5 Sitka, AK [Amended]**

Sitka Rocky Gutierrez Airport, AK
(Lat. 57°02′49″ N, long. 135°21′40″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the airport, and within 5 miles each side of the 216° bearing from the airport, extending from the 6.6-mile radius to 26 miles southwest of the Sitka Rocky Gutierrez Airport; excluding that airspace that extends beyond 12 miles from the coast.

Issued in Seattle, Washington, on April 30, 2020.

**Shawn M. Kozica,**

*Group Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2020–09588 Filed 5–6–20; 8:45 am]

BILLING CODE 4910–13–P

---

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2020–0361; Airspace Docket No. 20–AEA–9]**

**RIN 2120–AA66**

## Proposed Amendment of the Class D and Class E Airspace and Revocation of Class E Airspace; Erie and Corry, PA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend the Class D airspace, Class E surface area airspace, and Class E airspace extending upward from 700 feet above the surface at Erie International Airport/Tom Ridge Field, Erie, PA; revoke the Class E airspace area designated as an extension to Class D and Class E surface area at Erie International Airport/Tom Ridge Field; and amend the Class E airspace extending upward from 700 feet above the surface at Corry-Lawrence Airport, Corry, PA. The FAA is proposing this action as the result of airspace reviews due to the decommissioning of the Tidioute VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at these airports, as part of the VOR Minimum Operational Network (MON) Program.

**DATES:** Comments must be received on or before June 22, 2020.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0361/Airspace Docket No. 20–AEA–9, at the beginning of your comments. You

may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

**SUPPLEMENTARY INFORMATION:**

## Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class D airspace, Class E surface area airspace, and Class E airspace extending upward from 700 feet above the surface at Erie International Airport/Tom Ridge Field, Erie, PA; revoke the Class E airspace area designated as an extension to Class D and Class E surface area at Erie International Airport/Tom Ridge Field; and amend the Class E airspace extending upward from 700 feet above the surface at Corry-Lawrence Airport, Corry, PA, to support instrument flight rule operations at these airports.

## Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0361/Airspace Docket No. 20–AEA–9.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

## Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

## Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

## The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Amending the Class D airspace to within a 4.3-mile (increased from a 4.2-mile) radius of Erie International Airport/Tom Ridge Field, Erie, PA;

Amending the Class E surface area airspace to within a 4.3-mile (increased from a 4.2-mile) radius of Erie International Airport/Tom Ridge Field;

Removing the Class E airspace area designated as an extension to Class D and Class E surface areas at Erie International Airport/Tom Ridge Field as it is no longer required;

Amending the Class E airspace extending upward from 700 feet above the surface to within a 6.4-mile (decreased from a 7.4-mile) radius of the Corry-Lawrence Airport, Corry, PA; and removing the extension southeast of the airport as it is no longer required;

And amending the Class E airspace extending upward from 700 feet above the surface to within a 6.8-mile (increased from a 6.7-mile) radius of Erie International Airport/Tom Ridge Field; amending the extension to within 3.6 miles (decreased from 4.4 miles) each side of the 054° bearing from the Erie International Airport/Tom Ridge Field: RWY 24–LOC (previously the airport) extending from the 6.8- mile (increased from 6.7-mile) radius of the airport to 11.6 miles (decreased from 14 miles) northeast of the airport.

This action is the result of airspace reviews caused by the decommissioning of the Tidioute VOR, which provided navigation information for the instrument procedures at these airports, as part of the VOR MON Program.

Class D and E airspace designations are published in paragraph 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

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

**Regulatory Notices and Analyses**

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

**Environmental Review**

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

**§ 71.1 [Amended]**

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

*Paragraph 5000 Class D Airspace.*

* * * * *

**AEA PA D Erie, PA [Amended]**

Erie International Airport/Tom Ridge Field, PA
(Lat. 42°04′59″ N, long. 80°10′26″ W)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 4.3-mile radius of Erie International Airport/Tom Ridge Field. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

*Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.*

* * * * *

**AEA PA E2 Erie, PA [Amended]**

Erie International Airport/Tom Ridge Field, PA
(Lat. 42°04′59″ N, long. 80°10′26″ W)

That airspace extending upward from the surface within a 4.3-mile radius of Erie International Airport/Tom Ridge Field. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

*Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.*

* * * * *

**AEA PA E4 Erie, PA [Removed]**

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

* * * * *

**AEA PA E5 Corry, PA [Amended]**

Corry-Lawrence Airport, PA
(Lat. 41°54′27″ N, long. 79°38′28″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Corry-Lawrence Airport.

* * * * *

**AEA PA E5 Erie, PA [Amended]**

Erie International Airport/Tom Ridge Field, PA
(Lat. 42°04′59″ N, long. 80°10′26″ W)
Erie International Airport/Tom Ridge Field: RWY 24–LOC
(Lat. 42°04′32″ N, long. 80°11′12″ W)
St. Vincent Health Center Heliport, PA
(Lat. 42°06′43″ N, long. 80°04′51″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Erie International Airport/Tom Ridge Field, and within 3.6 miles each side of the 054° bearing from the Erie International Airport/Tom Ridge Field: RWY 24–LOC extending from the 6.8-mile radius to 11.6 miles northeast of the airport, and within a 6-mile radius of St. Vincent Health Center Heliport.

Issued in Fort Worth, Texas, on April 27, 2020.

**Steven Phillips,**

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

[FR Doc. 2020–09466 Filed 5–6–20; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2020–0245; Airspace Docket No. 20–ASW–2]**

**RIN 2120–AA66**

## Proposed Amendment of Class E Airspace; Athens, TX

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Athens Municipal Airport and Lochridge Ranch Airport, Athens, TX. The FAA is proposing this action as the result of airspace reviews caused by the decommissioning of the Athens non-directional beacon (NDB) which provided navigation information for the instrument procedures at these airports. The geographic coordinates of the Lochridge Ranch Airport and the name of the Crossroads NDB would also be updated to coincide with the FAA's aeronautical database. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at these airports.

**DATES:** Comments must be received on or before June 22, 2020.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0245/Airspace Docket No. 20–ASW–2 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records

Administration (NARA). For information on the availability of FAA Order 7400.11D at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

**SUPPLEMENTARY INFORMATION:**

## Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Athens Municipal Airport and Lochridge Ranch Airport, Athens, TX, to support IFR operations at these airports.

## Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0245/Airspace Docket No. 20–ASW–2.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

## Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

## Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

## The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Amending the Class E airspace area extending upward from 700 feet above the surface to within a 6.4-mile radius (decreased from a 6.5-mile radius) at Athens Municipal Airport, Athens, TX; and removing the Athens NDB and the associated extension from the Athens, TX, airspace legal description;

And amending the Class E airspace area extending upward from 700 feet above the surface at Lochridge Ranch Airport, Athens, TX, by amending the extension to the north to 2.6 miles (decreased from 4 miles) each side of the 356° bearing from the Crossroads NDB extending from the 6.5-mile radius of the airport to 11.5 miles north of the airport; removing the city associated with the airport to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters; and updating the geographic coordinates of the airport and the name of the Crossroads NDB (previously the Crossroads RBN) to coincide with the FAA's aeronautical database.

These actions are the result of airspace reviews caused by the decommissioning of the Athens NDB, which provided navigation information for the instrument procedures at these airports.

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

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

## Regulatory Notices and Analyses

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

## Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

## List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

## The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal

Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

### § 71.1 [Amended]

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

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

* * * * *

**ASW TX E5 Athens, TX [Amended]**

Athens Municipal Airport, TX
(Lat. 32°09′50″ N, long. 95°49′42″ W)
Lochridge Ranch Airport, TX
(Lat. 31°59′21″ N, long. 95°57′04″ W)
Crossroads NDB
(Lat. 32°03′49″ N, long. 95°57′27″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Athens Municipal Airport, and within a 6.5-mile radius of Lochridge Ranch Airport, and within 2.6 miles each side of the 356° bearing from the Crossroads NDB extending from the 6.5-mile radius to 11.5 miles north of the Lochridge Ranch Airport.

Issued in Fort Worth, Texas, on April 27, 2020.

**Steven Phillips,**

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

[FR Doc. 2020–09475 Filed 5–6–20; 8:45 am]

**BILLING CODE 4910–13–P**

---

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2020–0350; Airspace Docket No. 18–AAL–2]**

**RIN 2120–AA66**

## Proposed Amendment of Class E Airspace; Kotzebue, AK

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend the Class E airspace, designated a surface area, by removing the extensions to the east and west of the airport. This action also proposes to properly size the Class E airspace extending upward from 700 feet above the surface. The area should be reduced east of the airport to properly contain arriving IFR aircraft descending below 1,500 feet above the surface. Additionally, this action proposes to properly size the Class E airspace extending upward from 1,200 feet above the surface by reducing the area from a 74-mile radius of the airport to a 45-mile radius of the airport. Further, this action proposes to remove the Kotzebue VOR/DME Navigational Aid from the airspace legal descriptions. Lastly, this action proposes numerous administrative corrections to the airspace legal descriptions. This action would ensure the safety and management of IFR operations at the airport.

**DATES:** Comments must be received on or before June 22, 2020.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2020–0350; Airspace Docket No. 18–AAL–2, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

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

**SUPPLEMENTARY INFORMATION:**

### Authority for This Rulemaking

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

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0350; Airspace Docket No. 18–AAL–2''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the

**ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

**Availability and Summary of Documents for Incorporation by Reference**

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Proposal**

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending the Class E airspace, designated a surface area, at Ralph Wein Memorial Airport, Kotzebue, AK. This area is designed to contain arriving IFR aircraft descending below 1,000 feet above the surface and IFR departures until reaching 700 feet above the surface. The extensions east and west of the airport are no longer required to properly contain aircraft and should be removed. This area is described as follows: That airspace extending upward from the surface within a 4.3-mile radius of the Ralph Wien Memorial Airport.

This action also proposes to amend Class E airspace, extending upward from 700 feet above the surface, to properly contain arriving IFR aircraft descending below 1,500 feet above the surface and departing IFR aircraft until reaching 1,200 feet above the surface. The area should be reduced east of the airport to properly contain arriving IFR aircraft. This area is described as follows: That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the airport, and within 8 miles north and 4 miles south of the 088° bearing from the airport, extending from 1.4 miles east of the airport to 17.4 miles east of the airport, and within 4 miles north and 8 miles south of a 276° bearing from the airport, extending from the airport to 14.7 miles west of the Ralph Wein Memorial Airport.

Additionally, this action proposes to amend the Class E airspace extending upward from 1,200 feet above the surface. This airspace is designed to contain IFR aircraft while transitioning to/from the terminal and en route environments. The area is larger than required and should be reduced from a 74-mile radius to a 45-mile radius of the airport. The area is described as follows: That airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the Ralph Wien Memorial Airport, excluding that airspace beyond 12 miles from the shoreline.

Further, this action proposes to remove the Kotzebue VOR/DME Navigational Aid from the airspace legal descriptions. The Navigational Aid is not required to define the airspace and by removing it from the legal description, the airspace can be described from a single reference point.

Lastly, this action proposes several administrative corrections to the airspace legal descriptions. The airport name on the 2nd line of the text header does not match the FAA database. Kotzebue should be removed from the airport name and it should read: ''Ralph Wien Memorial Airport, AK''. The airport's geographic coordinates do not match the FAA database and should be updated to lat. 66°53′05″ N, long. 162°35′53″ W. The Class E surface airspace should be full time; the following two sentences do not accurately represent the time of use and should be removed: ''This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.''

Class E2 and E5 airspace designations are published in paragraphs 6002 and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

**Regulatory Notices and Analyses**

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

**Environmental Review**

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

**§ 71.1 [Amended]**

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

*Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.*

* * * * *

**AAL AK E2 Kotzebue, AK [Amended]**

Ralph Wien Memorial Airport, AK
(Lat. 66°53′05″ N, long. 162°35′53″ W)

That airspace extending upward from the surface within a 4.3-mile radius of the Ralph Wien Memorial Airport.

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

* * * * *

**AAL AK E5 Kotzebue, AK [Amended]**

Ralph Wien Memorial Airport, AK
(Lat. 66°53′05″ N, long. 162°35′53″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile

radius of the airport, and within 8 miles north and 4 miles south of the 088° bearing from the airport, extending from 1.4 miles east of the airport to 17.4 miles east of the airport, and within 4 miles north and 8 miles south of a 276° bearing from the airport, extending from the airport to 14.7 miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the Ralph Wien Memorial Airport, excluding that airspace beyond 12 miles from the shoreline.

Issued in Seattle, Washington, on April 23, 2020.

**Shawn M. Kozica,**

*Group Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2020–09593 Filed 5–6–20; 8:45 am]

**BILLING CODE 4910–13–P**

---

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2020–0353; Airspace Docket No. 19–AWP–19]**

**RIN 2120–AA66**

## Proposed Amendment of Class D & E Airspace; Las Vegas, NV

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class E airspace by adding an area, designated as an extension to a Class D or Class E surface area. The proposed area would be added to the northwest of the airport. This action also proposes to make several administrative corrections to the airspace legal descriptions. This action would ensure the safety and management of IFR operations at the airport.

**DATES:** Comments must be received on or before June 22, 2020.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2020–0353; Airspace Docket No. 19–AWP–19, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

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

**SUPPLEMENTARY INFORMATION:**

### Authority for This Rulemaking

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

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0353; Airspace Docket No. 19–AWP–19''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

### Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

### The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending the Class E airspace at North Las Vegas Airport, Las Vegas, NV. This action proposes to add an area, designated as an extension to a Class D or Class E surface area, to the northwest of the airport. The area would extend from the airport's Class D airspace and is designed to contain IFR aircraft descending below 1,000 feet above the surface. The area is described as follows: That airspace extending

upward from the surface within 2 miles each side of the 314° bearing from the airport, extending from the 4.3-mile radius to 13.2 miles northwest of the North Las Vegas Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

This action also proposes to make several administrative corrections to the airspace legal descriptions for the Class D and Class E airspace area extending upward from 700 feet above the surface. The first line of the airspace text headers does not match the FAA database and should be updated to read: ''AWP NV D Las Vegas, NV''. The second line of the airspace text headers does not match the FAA database and should be updated to read: ''North Las Vegas Airport, NV''. The airport's geographic coordinates do not match the FAA database and should be updated to lat. 36°12′39″ N, long. 115°11′40″ W. The term ''Airport/Facility Directory'' in the Class D airspace description is outdated and should read ''Chart Supplement''.

Class D, E4 and, E5 airspace designations are published in paragraphs 5000, 6004, and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

**Regulatory Notices and Analyses**

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

**Environmental Review**

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

**§ 71.1 [Amended]**

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

*Paragraph 5000 Class D Airspace.*

* * * * *

**AWP NV D Las Vegas, NV [Amended]**

North Las Vegas Airport, NV
(Lat. 36°12′39″ N, long. 115°11′40″ W)

That airspace extending upward from the surface up to but not including 4,500 feet MSL within a 4.3-mile radius of the North Las Vegas Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

*Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.*

* * * * *

**AWP NV E4 Las Vegas, NV [New]**

North Las Vegas Airport, NV
(Lat. 36°12′39″ N, long. 115°11′40″ W)

That airspace extending upward from the surface within 2 miles each side of the 314° bearing from the airport, extending from the 4.3-mile radius to 13.2 miles northwest of the North Las Vegas Airport.

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

* * * * *

**AWP NV E5 Las Vegas, NV [Amended]**

North Las Vegas Airport, NV
(Lat. 36°12′39″ N, long. 115°11′40″ W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the North Las Vegas Airport.

Issued in Seattle, Washington, on April 30, 2020.

**Shawn M. Kozica,**

*Group Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2020–09587 Filed 5–6–20; 8:45 am]

BILLING CODE 4910–13–P

---

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2020–0249; Airspace Docket No. 20–ACE–2]**

**RIN 2120–AA66**

## Proposed Establishment of Class E Airspace; Ness City, KS

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Ness City Municipal Airport, Ness City, KS. The FAA is proposing this action as the result of new public instrument procedures being developed at this airport. Airspace design is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

**DATES:** Comments must be received on or before June 22, 2020.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0249/Airspace Docket No. 20–ACE–2 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11D at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

**SUPPLEMENTARY INFORMATION:**

## Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace extending upward from 700 feet above the surface at Ness City Municipal Airport, Ness City, KS, to support IFR operations at this airport.

## Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0249/Airspace Docket No. 20–ACE–2.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

## Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

## Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

## The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.4-mile radius of the Ness City Municipal Airport, Ness City, KS.

This action is necessary due to new public instrument procedures being developed at this airport.

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

## Regulatory Notices and Analyses

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

## Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

## List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

## The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

**§ 71.1 [Amended]**

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

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

* * * * *

**ACE KS E5 Ness City, KS [Establish]**

Ness City Municipal Airport, KS
(Lat 38°28′26″ N, long. 99°54′33″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Ness City Municipal Airport.

Issued in Fort Worth, Texas, on April 27, 2020.

**Steven Phillips,**

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

[FR Doc. 2020–09474 Filed 5–6–20; 8:45 am]

**BILLING CODE 4910–13–P**

---

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2020–0376; Airspace Docket No. 20–ACE–7]**

**RIN 2120–AA66**

## Proposed Amendment of Class E Airspace; Decorah, IA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Decorah Municipal Airport, Decorah, IA. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Waukon VHF omnidirectional range (VOR) navigation aids, which provided navigation information for the instrument procedures this airport, as part of the VOR Minimum Operational Network (MON) Program. The name of the Winneshiek Medical Center, Decorah, IA, would also be updated to coincide with the FAA's aeronautical database.

**DATES:** Comments must be received on or before June 22, 2020.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0376/Airspace Docket No. 20–ACE–7 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11D at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

**SUPPLEMENTARY INFORMATION:**

### Authority for this Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Decorah Municipal Airport, Decorah, IA, to support instrument flight rule operations at this airport.

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0376/Airspace Docket No. 20–ACE–7.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

### Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists

Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

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

**The Proposal**

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the Class E airspace extending upward from 700 feet above the surface by removing the Waukon VORTAC and associated extension from the airspace legal description of Decorah Municipal Airport, Decorah, IA; and updating the name of Winneshiek Medical Center (previously Winneshiek County Memorial Hospital), Decorah, IA, to coincide with the FAA's aeronautical database.

This action is necessary due to an airspace review caused by the decommissioning of the Waukon VHF omnidirectional range (VOR) navigation aids, which provided navigation information for the instrument procedures this airport, as part of the VOR MON Program.

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

**Regulatory Notices and Analyses**

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

**Environmental Review**

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

**§ 71.1 [Amended]**

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

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

* * * * *

**ACE IA E5 Decorah, IA [Amended]**

Decorah Municipal Airport, IA
(Lat. 43°16′32″ N, long. 91°44′22″ W)
Winneshiek Medical Center, IA Point in Space Coordinates
(Lat. 43°16′57″ N, long. 91°45′56″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Decorah Municipal Airport, and within a 6-mile radius of the Point in Space serving Winneshiek County Memorial Hospital.

Issued in Fort Worth, Texas, on April 27, 2020.

**Steven Phillips,**

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

[FR Doc. 2020–09468 Filed 5–6–20; 8:45 am]

BILLING CODE 4910–13–P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

**[Docket No. FAA–2020–0354; Airspace Docket No. 20–ASW–3]**

**RIN 2120–AA66**

## Proposed Amendment of Class E Airspace; Kountze/Silsbee, TX

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Hawthorne Field, Kountze/Silsbee, TX. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the Hardin County non-directional beacon (NDB) which provided navigation information for the instrument procedures at this airport. The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database. Airspace redesign is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

**DATES:** Comments must be received on or before June 22, 2020.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0354/Airspace Docket No. 20–ASW–3 at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA

Order 7400.11D at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

**SUPPLEMENTARY INFORMATION:**

## Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Hawthorne Field, Kountze/Silsbee, TX, to support IFR operations at this airport.

## Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0354/Airspace Docket No. 20–ASW–3.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

## Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

## Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

## The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the Class E airspace area extending upward from 700 feet above the surface to within a 6.4-mile (decreased from 6.6-mile) radius at Hawthorne Field, Kountze/Silsbee, TX; updating the header of the airspace legal description to read Kountze/Silsbee, TX (previously Kountze-Silsbee, TX) to coincide with the FAA's aeronautical database; removing the city associated with the airport to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

These actions are the result of an airspace review caused by the decommissioning of the Hardin County NDB which provided navigation information for the instrument procedures at these airports.

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

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

## Regulatory Notices and Analyses

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

## Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

## List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

## The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

**§ 71.1 [Amended]**

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

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

* * * * *

**ASW TX E5 Kountze/Silsbee, TX [Amended]**

Hawthorne Field, TX
(Lat. 30°20′11″ N, long. 94°15′27″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Hawthorne Field.

Issued in Fort Worth, Texas, on April 27, 2020.

**Steven Phillips,**

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

[FR Doc. 2020–09476 Filed 5–6–20; 8:45 am]

**BILLING CODE 4910–13–P**

---

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2020–0351; Airspace Docket No. 18–AAL–3]**

**RIN 2120–AA66**

## Proposed Amendment of Class E Airspace; McGrath, AK

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class E airspace, designated a surface area, at Mc Grath Airport, McGrath, AK. To properly size the area, it should be reduced from a 7.6-mile radius to a 5.6-mile radius of the airport. This action also proposes to properly size Class E airspace extending upward from 700 feet above the surface. The extension north of the airport should increase in size to contain arriving and departing IFR aircraft. The extension to the southeast of the airport is not required and should be removed. Additionally, this action proposes to properly size Class E airspace extending upward from 1,200 feet above the surface. The area should be reduced from a 74-mile radius to a 45-mile radius of the airport. Lastly, this action proposes numerous administrative corrections to the airspace legal descriptions. This action would ensure the safety and management of IFR operations at the airport.

**DATES:** Comments must be received on or before June 22, 2020.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2020–0351; Airspace Docket No. 18–AAL–3, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

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

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

**SUPPLEMENTARY INFORMATION:**

### Authority for This Rulemaking

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

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0351; Airspace Docket No. 18–AAL–3''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

### Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace

Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

## The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by amending the Class E airspace, designated a surface area, at Mc Grath Airport, McGrath, AK. This area is designed to contain arriving IFR aircraft descending below 1,000 feet above the surface and IFR departures until reaching 700 feet above the surface. The area is larger than required and should be reduced from a 7.6-mile radius of the airport to a 5.6-mile radius of the airport. This area is described as follows: That airspace extending upward from the surface within a 5.6-mile radius of the Mc Grath Airport.

This action also proposes to amend Class E airspace extending upward from 700 feet above the surface. This area is designed to contain arriving IFR aircraft descending below 1,500 feet above the surface and departing IFR aircraft until reaching 1,200 feet above the surface. The extension to the north of the airport should increase in size to properly contain IFR aircraft. The extension to the southeast of the airport is not required and should be removed. This area is described as follows: That airspace extending upward from 700 feet above the surface within an 8.1-mile radius of the airport, and within 8 miles east and 4 miles west of the 001° bearing from the airport, extending from 8.1-mile radius to 15.7 miles north of the Mc Grath Airport.

Additionally, this action proposes to amend Class E airspace extending upward from 1,200 feet above the surface. This airspace is designed to contain IFR aircraft while transitioning to/from the terminal and en route environments. The area is larger than required and should be reduced from a 74-mile radius to a 45-mile radius of the airport. This area is described as follows: That airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the Mc Grath Airport.

Lastly, this action proposes several administrative corrections to the airspace legal descriptions. The airport name on the second line of the text header does not match the FAA database. McGrath should be removed from the airport name and it should read: ''Mc Grath Airport, AK''. The airport's geographic coordinates do not match the FAA database and should be updated to lat. 62°57′10″ N, long. 155°36′25″ W. The Class E surface airspace should be full time; the following two sentences do not accurately represent the time of use and should be removed: ''This Class E airspace area is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.''

Class E2 and E5 airspace designations are published in paragraphs 6002 and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

## Regulatory Notices and Analyses

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

## Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

## List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

## The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

### § 71.1 [Amended]

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

*Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.*

* * * * *

**AAL AK E2 McGrath, AK [Amended]**

Mc Grath Airport, AK
(Lat. 62°57′10″ N, long. 155°36′25″ W)

That airspace extending upward from the surface within a 5.6-mile radius of Mc Grath Airport.

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

* * * * *

**AAL AK E5 McGrath, AK [Amended]**

Mc Grath Airport, AK
(Lat. 62°57′10″ N, long. 155°36′25″ W)

That airspace extending upward from 700 feet above the surface within an 8.1-mile radius of the airport and within 8 miles east and 4 miles east of the 001° bearing from the airport, extending from the 8.1-mile radius to 15.7 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of Mc Grath Airport.

Issued in Seattle, Washington, on April 30, 2020.

**Shawn M. Kozica,**

*Group Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2020–09586 Filed 5–6–20; 8:45 am]

BILLING CODE 4910–13–P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

**[Docket No. FAA–2020–0321; Airspace Docket No. 20–AGL–17]**

**RIN 2120–AA66**

## Proposed Amendment of Class D and E Airspace and Establishment of Class E Airspace; Alton/St. Louis, IL

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend the Class D airspace and Class E airspace area designated as an extension to a Class D surface area and establish a Class E airspace extending upward from 700 feet above the surface at St. Louis Regional Airport, Alton/St. Louis, IL. The FAA is proposing this action as the result of an airspace review caused by the decommissioning of the outer marker to runway 29 at St. Louis Regional Airport which provided navigational information to this airport. The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

**DATES:** Comments must be received on or before June 22, 2020.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0321/Airspace Docket No. 20–AGL–17, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

**SUPPLEMENTARY INFORMATION:**

### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class D airspace and Class E airspace area designated as an extension to a Class D surface area and establish a Class E airspace extending upward from 700 feet above the surface at St. Louis Regional Airport, Alton/St. Louis, IL, to support instrument flight rule operations at this airport.

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0321/Airspace Docket No. 20–AGL–17.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

### Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

### The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by:

Amending the Class D airspace at St. Louis Regional Airport, Alton/St. Louis, IL, to within a 4.4-mile (increased from 4.2-mile) radius of the airport; updating the header of the airspace legal description to Alton/St. Louis, IL (previously Alton, IL) to coincide with the FAA's aeronautical database; removing the city associated with the airport in the airspace legal description to comply with changes to FAA Order 7400.2M, Procedures for Handling Airspace Matters; updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; updating the name of the St.

Louis, MO, Class B (previously Lambert-St. Louis International Airport, MO, Class B) to coincide with FAA Order 7400.11D, Airspace Designations and Reporting Points; and replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

Amending the Class E airspace area designated as an extension to a Class D surface area at St. Louis Regional Airport to within 2.5 miles (decreased from 2.6 miles) each side of the 008° (previously 012°) bearing from the Civic Memorial NDB (previously St. Louis Regional Airport) extending from the 4.4-mile (increased from 4.2-mile) radius of St. Louis Regional Airport to 7 miles (increased from 6.1 miles) north of the Civic Memorial NDB (previously the airport); updating the header of the airspace legal description to Alton/St. Louis, IL (previously Alton, IL) to coincide with the FAA's aeronautical database; removing the city associated with the airport in the airspace legal description to comply with changes to FAA Order 7400.2M; updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; and replacing the outdated term ''Airport/Facility Directory'' with ''Chart Supplement'';

And establishing Class E airspace extending upward from 700 feet above the surface within a 6.9-mile radius St. Louis Regional Airport; and within 2.5 miles each side of the 008° bearing from the Civic Memorial NDB extending from the 6.9-mile radius of the airport to 7 miles north of the Civic Memorial NDB. (This airspace was previously contained within the St. Louis, MO, Class E airspace extending upward from 700 feet above the surface airspace legal description; however, with this amendment, the airspace no longer adjoins, and a separate airspace legal description is being established by this action.)

This action is the result of an airspace review caused by the decommissioning of the outer marker to runway 29 at St. Louis Regional Airport which provided navigational information to this airport.

Class E airspace designations are published in paragraph 5000, 6004, and 6005, respectively, of FAA Order 7400.11D, dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designation listed in this document will be published subsequently in the Order.

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

**Regulatory Notices and Analyses**

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

**Environmental Review**

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

**§ 71.1 [Amended]**

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

*Paragraph 5000 Class D Airspace.*

* * * * *

**AGL IL D Alton/St. Louis, IL [Amended]**

St. Louis Regional Airport, IL
(Lat. 38°53′24″ N, long. 90°02′46″ W)

That airspace extending upward from the surface to and including 3,000 feet MSL within a 4.4-mile radius of the St. Louis Regional Airport, excluding that airspace within the St. Louis, MO, Class B airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

*Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.*

* * * * *

**AGL IL E4 Alton/St. Louis, IL [Amended]**

St. Louis Regional Airport, IL
(Lat. 38°53′24″ N, long. 90°02′46″ W)
Civic Memorial NDB
(Lat. 38°53′32″ N, long. 90°03′23″ W)

That airspace extending upward from the surface within 2.5 miles each side of the 008° bearing from the Civic Memorial NDB extending from the 4.4-mile radius of the St. Louis Regional Airport to 7 miles north of the Civic Memorial NDB. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

**AGL IL E5 Alton/St. Louis, IL [Establish]**

St. Louis Regional Airport, IL
(Lat. 38°53′24″ N, long. 90°02′46″ W)
Civic Memorial NDB
(Lat. 38°53′32″ N, long. 90°03′23″ W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of St. Louis Regional Airport, and within 2.5 miles each side of the 008° bearing from the Civic Memorial NDB extending from the 6.9-mile radius of the airport to 7 miles north of the Civic Memorial NDB.

Issued in Fort Worth, Texas, on April 27, 2020.

**Steven Phillips,**

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

[FR Doc. 2020–09473 Filed 5–6–20; 8:45 am]

BILLING CODE 4910–13–P

---

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2020–0356; Airspace Docket No. 20–ASO–14]**

**RIN 2120–AA66**

## Proposed Amendment of the Class E Airspace; Hazard, KY

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Wendell H. Ford Airport, Hazard, KY. The FAA is proposing this action as the result of an airspace review due to the decommissioning of the Hazard VHF omnidirectional range (VOR) navigation aid, which provided navigation information for the instrument procedures at this airport, as part of the VOR Minimum Operational Network (MON) Program. The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

**DATES:** Comments must be received on or before June 22, 2020.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2020–0356/Airspace Docket No. 20–ASO–14, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

**SUPPLEMENTARY INFORMATION:**

## Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Wendell H. Ford Airport, Hazard, KY, to support instrument flight rule operations at this airport.

## Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0356/Airspace Docket No. 20–ASO–14.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

## Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

## Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

## The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 6.7-mile radius (increased from a 6.6-mile radius) of Wendell H. Ford Airport, Hazard, KY; adding an extension 2 miles each side of the 139° bearing from the airport extending from the 6.7-mile radius of the airport to 11.1 miles south of the airport; and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

This action is the result of an airspace review caused by the decommissioning of the Hazard VOR, which provided navigation information for the instrument procedures at this airport, as part of the VOR MON Program.

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

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

## Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established

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

**Environmental Review**

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

**§ 71.1 [Amended]**

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

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

* * * * *

**ASO KY E5 Hazard, KY [Amended]**

Wendell H. Ford Airport, KY
(Lat. 37°23′15″ N, long. 83°15′42″ W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Wendell H. Ford Airport, and within 2 miles each side of the 139° bearing from the airport extending from the 6.7-mile radius of the airport to 11.1 miles south of the airport.

Issued in Fort Worth, Texas, on April 27, 2020.

**Steven Phillips,**

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

[FR Doc. 2020–09465 Filed 5–6–20; 8:45 am]

BILLING CODE 4910–13–P

## FEDERAL TRADE COMMISSION

## 16 CFR Chapter I

## Semiannual Regulatory Agenda

**AGENCY:** Federal Trade Commission.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Federal Trade Commission (FTC or Commission) is publishing its semiannual regulatory agenda in accordance with agency regulations.

**DATES:** May 7, 2020.

**ADDRESSES:** Copies of this document are available on the Commission's website, *www.ftc.gov.*

**FOR FURTHER INFORMATION CONTACT:** For information about specific regulatory actions listed in the agenda, call, email, or write the contact person listed for each particular proceeding. General comments or questions about the agenda should be directed to G. Richard Gold; Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, telephone: (202) 326–3355; email: *rgold@ftc.gov.*

**SUPPLEMENTARY INFORMATION:** The Federal Trade Commission (FTC or Commission) is publishing its semiannual regulatory agenda in accordance with section 22(d)(1) of the Federal Trade Commission Act, 15 U.S.C. 57b–3(d)(1) and the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 to 612, as amended by the Small Business Regulatory Enforcement Fairness Act. The Commission's agenda follows guidelines and procedures issued January 16, 2020, by the Office of Management and Budget in accordance with the provisions of Executive Order 12866, ''Regulatory Planning and Review,'' of September 30, 1993, 58 FR 51735 (Oct. 4, 1993).

The Government-wide Unified Agenda of Federal Regulatory and Deregulatory Actions includes a list of all regulatory actions under development or review and is scheduled for publication in its entirety on *www.reginfo.gov* and *www.regulations.gov* in a format that offers users a greatly enhanced ability to obtain information from the agenda database.

The RFA requires publication in the **Federal Register** of agenda entries for rules that are likely to have a significant impact on a substantial number of small entities (5 U.S.C. 602) and any such rules that the agency has identified for periodic review under section 610 of the RFA. For spring 2020, the Commission has no proposed rules that would meet the RFA's publication requirements. In addition, the Commission has no proposed rules that would be a ''significant regulatory action'' under the definition in Executive Order 12866.

The Commission has identified rulemakings that are likely to have some impact on small entities, but do not meet the RFA's publication requirements. The current rulemakings that are likely to have some impact on small entities are: (1) The Textile Rules, 16 CRF 303; (2) the Energy Labeling Rule, 16 CFR 305; (3) Telemarketing Sales Rule, 16 CFR 310; (4) Children's Online Privacy Protection Rule, 16 CFR 312; (5) Privacy of Consumer Financial Information, 16 CFR 313; (6) Standards for Safeguarding Customer Information, 16 CFR 314; (7) Contact Lens Rule, 16 CFR 315; (8) Health Breach Notification Rule, 16 CFR 318; (9) the Care Labeling Rule, 16 CFR 423; (10) the Amplifier Rule, 16 CFR 432; (11) Disclosure Requirements and Prohibitions Concerning Franchising, 16 CFR 436; (12) Funeral Rule, 16 CFR 453; (13) Eyeglass Rule, 16 CFR 456; (14) the Duties of Creditors Regarding Risk-Based Pricing Rule, 16 CFR 640; (15) the Duties of Users of Consumer Reports Regarding Address Discrepancies Rule, 16 CFR 641; (16) the Prescreen Opt-Out Notice Rule, 16 CFR 642; (17) the Duties of Furnishers of Information to Consumer Reporting Agencies Rule, 16 CFR 660; (18) the Affiliate Marketing Rule, 16 CFR 680; and (19) Identity Theft Rules, 16 CFR 681. The Commission's rulemaking review process carefully considers regulatory burdens and streamlines rules when feasible and appropriate.

The majority of the rulemakings listed in the agenda are being conducted as part of the Commission's systematic review of all of its regulations and guides on a rotating basis. Under the Commission's program, rules are reviewed on a 10-year schedule. In each rule review, the Commission requests public comments on, among other things, the economic impact and benefits of the rule; possible conflict between the rule and state, local, or other federal laws or regulations; and the effect on the rule of any

technological, economic, or other industry changes. These reviews incorporate and expand upon the review required by the RFA and regulatory reform initiatives directing agencies to conduct a review of all regulations and eliminate or revise those that are outdated or otherwise in need of reform.

Except for notice of completed actions, the information in this agenda represents the judgment of Commission staff, based upon information now available. Each projected date of action reflects FTC staff's assessment that the specified event will occur this year. No final determination by the staff or the Commission respecting the need for or the substance of a rule should be inferred from the notation of projected events in this agenda. In most instances, the dates of future events are listed by month, not by a specific day. The information in this agenda may change as new information, changes of circumstances, or changes in the law occur.

By direction of the Commission.

**April Tabor,**

*Acting Secretary.*

FEDERAL TRADE COMMISSION—PRERULE STAGE

| Sequence No. | Title | Regulation Identifier No. |
|---|---|---|
| 1 | Telemarketing Sales Rule | 3084–AB19 |
| 2 | Trade Regulation Rule on Ophthalmic Practice Rule | 3084–AB37 |
| 3 | Disclosure Requirements and Prohibitions Concerning Franchising | 3084–AB49 |
| 4 | Identity Theft Rules | 3084–AB50 |
| 5 | Regulatory Review | 3084–AB53 |
| 6 | Trade Regulation Rule on Funeral Industry Practices | 3084–AB55 |
| 7 | Health Breach Notification Rule | 3084–AB56 |
| 8 | Prohibitions on Energy Market Manipulation Rule | 3084–AB57 |
| 9 | Children's Online Privacy Protection Rule | 3084–AB58 |
| 10 | Use of Prenotification Negative Option Plans | 3084–AB60 |
| 11 | Trade Regulation Rule Concerning Power Output Claims for Amplifiers Utilized in Home Entertainment Products. | 3084–AB62 |
| 12 | Fair Credit Reporting Act Rules | 3084–AB63 |

FEDERAL TRADE COMMISSION—PROPOSED RULE STAGE

| Sequence No. | Title | Regulation Identifier No. |
|---|---|---|
| 13 | Rule Concerning Energy and Water Use Labeling for Consumer Products | 3084–AB15 |
| 14 | Care Labeling of Textile Apparel and Certain Piece Goods as Amended | 3084–AB28 |
| 15 | Standards for Safeguarding Customer Information | 3084–AB35 |
| 16 | Contact Lens Rule | 3084–AB36 |
| 17 | Privacy of Consumer Financial Information | 3084–AB42 |
| 18 | Premerger Notification Rules and Report Form | 3084–AB46 |
| 19 | Rules and Regulations Under the Textile Fiber Identification Act | 3084–AB61 |

| Federal trade commission (FTC) | Prerule stage |
|---|---|
| | |

**1. Telemarketing Sales Rule**

*Priority:* Substantive, Nonsignificant.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 15 U.S.C. 6101 to 6108; 15 U.S.C. 41 to 58

*CFR Citation:* 16 CFR 310.

*Legal Deadline:* None.

*Abstract:* On August 11, 2014, the Commission initiated periodic review of the Telemarketing Sales Rule and solicited public comments. 79 FR 46732 (Aug. 11, 2014). The comment period as extended closed on November 13, 2014. 79 FR 61267 (Oct. 10, 2014). On December 15, 2015, the Commission amended the Telemarketing Sales Rule to prohibit the use of certain payment methods in all telemarketing transactions, expand the scope of the advance fee ban for recovery services, and clarify certain provisions of the rule. Those amendments became effective February 12, 2016, and June 13, 2016. Staff anticipates making a recommendation regarding further rulemaking to the Commission by June 2020.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| NPRM | 08/19/09 | 74 FR 41988 |
| NPRM Comment Period End | 10/09/09 | |
| NPRM Comment Period Extended | 10/15/09 | 74 FR 52914 |
| NPRM Extended Comment Period End | 10/26/09 | |
| Public Forum | 11/04/09 | |
| Final Rule | 08/10/10 | 75 FR 48458 |
| Technical Correction to Final Rule | 08/24/10 | 75 FR 51934 |
| Effective Date | 09/27/10 | |
| Effective Date (Advance Fee Ban) | 10/27/10 | |
| ANPRM (Caller ID) | 12/15/10 | 75 FR 78179 |
| NPRM (Anti-Fraud) | 07/09/13 | 78 FR 41200 |
| Closure of Proceeding (Caller ID) | 12/20/13 | 78 FR 77024 |
| Rule Review, Request for Public Comment | 08/14/14 | 79 FR 46732 |

| Action | Date | FR cite |
|---|---|---|
| Rule Review Comment Period Extended | 10/10/14 | 79 FR 61267 |
| Rule Review Extended Comment Period End | 11/13/14 | |
| Final Rule (Anti-Fraud) | 12/14/15 | 80 FR 77520 |
| Final Rule (Anti-Fraud) Effective | 02/12/16 | |
| Final Rule (Anti-Fraud-Use of Certain Payment Methods) Effective | 06/13/16 | |
| Recommendation to Commission (Rule Review) | 06/00/20 | |

*Regulatory Flexibility Analysis Required:* No.

*Small Entities Affected:* Businesses.

*Government Levels Affected:* None.

*Federalism:* Undetermined.

*International Impacts:* This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

*Agency Contact:* Patricia Hsue, Staff Attorney, Federal Trade Commission, Division of Marketing Practices, 600 Pennsylvania Avenue NW, Washington, DC 20580. Phone: 202 326–3132, Email: *phsue@ftc.gov.*

*RIN:* 3084–AB19

**2. Trade Regulation Rule on Ophthalmic Practice Rule**

*Priority:* Substantive, Nonsignificant.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 15 U.S.C. 41 *et seq.*

*CFR Citation:* 16 CFR 456.

*Legal Deadline:* None.

*Abstract:* Issued in 1978, the Trade Regulation Rule on Ophthalmic Practice Rules, also known as the Eyeglass Rule (Rule), provides that an optometrist or ophthalmologist must give the patient, at no extra cost, a copy of the eyeglass prescription immediately after the examination is completed. The Rule also prohibits optometrists and ophthalmologists from conditioning the availability of an eye examination, as defined by the Rule, on a requirement that the patient agrees to purchase ophthalmic goods from the optometrist or ophthalmologist and from placing on the prescription, or delivering to the patient, certain disclaimers or waivers of liability.

As part of its ongoing systematic review of all Federal Trade Commission rules and guides, on September 3, 2015, the Commission requested public comments on, among other things, the economic impact and benefits of the Rule; possible conflict between the Rule and State, local, or other Federal laws or regulations; and the effect on the Rule of any technological, economic, or other industry changes. The comment period closed on October 26, 2015.

Commission staff has completed review of the 831 comments received from consumers, eye care professionals, industry members, trade associations, and consumer advocates and anticipates sending a recommendation to the Commission for further action by August 2020.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| Rule Review, Request for Public Comments | 09/03/15 | 80 FR 53274 |
| Rule Review Comment Period Closed | 10/26/15 | |
| Recommendation to Commission | 08/00/20 | |

*Regulatory Flexibility Analysis Required:* No.

*Small Entities Affected:* Businesses, Organizations.

*Government Levels Affected:* None.

*URL For More Information: https://www.ftc.gov/news-events/press-releases/2015/08/ftc-seeks-public-input-review-eyeglass-rule.*

*Agency Contact:* Alysa Bernstein, Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW, CC–10528, Washington, DC 20580, Phone: 202 326–3289, Email: *abernstein@ftc.gov.*

*Related RIN:* Previously reported as 3084–AA80.

*RIN:* 3084–AB37

**3. Disclosure Requirements and Prohibitions Concerning Franchising**

*Priority:* Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 15 U.S.C. 41 to 58

*CFR Citation:* 16 CFR 436.

*Legal Deadline:* None.

*Abstract:* On February 13, 2019, the Commission announced it was initiating periodic review of the Franchise (Rule). The comment period closed on April 21, 2019. The Rule gives prospective purchasers of franchises the material information they need in order to weigh the risks and benefits of such an investment. The Rule requires franchisors to provide all potential franchisees with a disclosure document containing 23 specific items of information about the offered franchise, its officers, and other franchisees. Required disclosure topics include, for example: The franchise's litigation history, past, and current franchisees and their contact information, any exclusive territory that comes with the franchise, assistance the franchisor provides franchisees, and the cost of purchasing and starting a franchise. If a franchisor makes representations about the financial performance of the franchise, this topic also must be covered, as well as the material basis backing up those representations. Staff anticipates making a recommendation to the Commission by September 2020.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| Rule Review; Request for Comments | 03/15/19 | |
| Comment Period Closing Date | 04/21/19 | |
| Recommendation to Commission | 09/00/20 | |

*Regulatory Flexibility Analysis Required:* Undetermined.

*Small Entities Affected:* Businesses.

*Government Levels Affected:* State.

*International Impacts:* This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

*URL For More Information: https://www.ftc.gov/news-events/press-releases/2019/02/ftc-seeks-public-comment-part-its-review-franchise-rule.*

*Agency Contact:* Christine Todaro, Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, Phone: 202 326–3711, Email: *ctodaro@ftc.gov.*

*Related RIN:* Split from 3084–AA63.

*RIN:* 3084–AB49

**4. Identity Theft Rules**

*Priority:* Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 15 U.S.C. 1681m(e); 15 U.S.C. 1681m(e)(4); 15 U.S.C. 1681c(h)

*CFR Citation:* 16 CFR 681.

*Legal Deadline:* None.

*Abstract:* On December 11, 2018, the Commission initiated periodic review of the Identity Theft Rules, which include the Red Flags Rule and the Card Issuer Rule. The public comment period closed on February 11, 2019, and staff is reviewing the comments. Staff plans to submit a recommendation to the Commission by June 2020.

The Red Flags Rule requires financial institutions and creditors to develop and implement a written Identity Theft Prevention Program. By identifying red flags for identity theft in advance, businesses can be better equipped to spot suspicious patterns that may arise and take steps to prevent potential problems from escalating into a costly episode of identity theft. An Identity Theft Prevention Program must have four parts. First, the program must include reasonable policies and procedures to identify signs or red flags of identity theft in the day-to-day operations of the business. Second, the program must be designed to detect the red flags of identity theft identified by the business. Third, the program must set out the actions the business will take to detect red flags. Finally, because identity theft is an ever-changing threat, a business must re-evaluate its program periodically to reflect new risks from this crime.

The Card Issuer Rule requires credit and debit card issuers to implement reasonable policies and procedures to assess the validity of a change of address if it receives notification of a change of address for a consumer's debit or credit card account and, within a short period of time afterward, also receives a request for an additional or replacement card for the same account.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| Rule Review; Request for Comments | 12/11/18 | 83 FR 63604 |
| Rule Review Comment Period Closed | 02/11/19 | |
| Recommendation to Commission | 06/00/20 | |

*Regulatory Flexibility Analysis Required:* Undetermined.

*Small Entities Affected:* Businesses, Governmental Jurisdictions, Organizations.

*Government Levels Affected:* Local, State.

*URL For More Information: https://www.ftc.gov/news-events/press-releases/2018/12/ftc-seeks-comment-identity-theft-detection-rules.*

*Agency Contact:* Ellen Connelly, Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, Phone: 202 326–2532, Email: *econnelly@ftc.gov.*

Amanda Koulousias, Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, Phone: 202 326–3334, Email: *akoulousias@ftc.gov.*

Stacy Procter, Attorney, Federal Trade Commission, 10990 Wilshire Boulevard, Suite 400, Los Angeles, CA 90024, Phone: 310 825–4300, Email: *sprocter@ftc.gov.*

*Related RIN:* Split from 3084–AA94.

*RIN:* 3084–AB50

**5. Regulatory Review**

*Priority:* Other Significant.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 15 U.S.C. 41 *et seq.*

*CFR Citation:* 16 CFR 1 *et seq.*

*Legal Deadline:* None.

*Abstract:* The Commission continues its review of current rules and guides to identify any that should be modified or rescinded. No determination about whether to modify or rescind a rule, guide, or interpretation or any other procedural option should be inferred from the Commission's decision to publish a request for comments. The Commission's periodic review process carefully considers regulatory burdens and streamlines rules when feasible and appropriate. In certain instances, the reviews may also address other specific matters or issues, such as proposed amendments. Finally, the Commission may modify the rule review timetable as circumstances warrant.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| Notice of Rules and Guides To Review in 2018 | 02/20/18 | 83 FR 7120 |
| Notice of Rules and Guides To Review in 2019 | 05/02/19 | 84 FR 18746 |
| Notice of Rules and Guides To Review in 2020 | 04/15/20 | 85 FR 20889 |
| Notice of Rules and Guides to Review in 2021 | 02/00/21 | |

*Regulatory Flexibility Analysis Required:* No.

*Small Entities Affected:* No.

*Government Levels Affected:* None.

*Agency Contact:* Jock K. Chung, Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW, CC–9528, Washington, DC 20580, Phone: 202 326–2984, Email: *jchung@ftc.gov.*

*Related RIN:* Previously reported as 3084–AA47.

*RIN:* 3084–AB53

**6. Trade Regulation Rule on Funeral Industry Practices**

*Priority:* Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 15 U.S.C. 45; 15 U.S.C. 46(g); 15 U.S.C. 57a

*CFR Citation:* 16 CFR 453.

*Legal Deadline:* None.

*Abstract:* On February 14, 2020, the Commission initiated periodic review of the Funeral Industry Practices Rule (Funeral Rule or Rule). 85 FR 8490 (Feb. 14, 2020). The comment period as extended will close on June 15, 2020. 85 FR 20453 (April 13, 2020). The Rule, which became effective in 1984, requires sellers of funeral goods and services to give price lists to consumers who visit a funeral home and disclose price and other information to callers who request it over the telephone. The Rule enables consumers to select and purchase only the goods and services they want and requires funeral providers to seek authority before performing some services such as embalming. The Rule also requires funeral providers to make disclosures regarding any required purchases and prohibits misrepresentations regarding requirements and other aspects of funeral goods and services.

*Timetable:*

| Action | Date | FR Cite |
|---|---|---|
| Rule Review, Request for Comments | 02/14/20 | 85 FR 8490 |
| Rule Review; Request for Comments (Comment Period Extended) | 04/13/20 | 85 FR 20453 |
| Rule Review; Request for Comments (Extended Comment Period End) | 06/15/20 | |
| Staff Review of Comments | 06/00/20 | |

*Regulatory Flexibility Analysis Required:* Undetermined.

*Small Entities Affected:* Businesses.

*Government Levels Affected:* None.

*URL For More Information: https://www.ftc.gov/news-events/press-releases/2020/02/ftc-seeks-public-comment-part-its-review-funeral-rule.*

*URL For Public Comments: https://www.regulations.gov.*

*Agency Contact:* Patti Poss, Federal Trade Commission, 600 Pennsylvania Avenue NW, CC–8528, Washington, DC 20580, Phone: 202 326–2413, Email: *pposs@ftc.gov.*

*Related RIN:* Previously reported as 3084–AA82.

*RIN:* 3084–AB55

**7. Health Breach Notification Rule**

*Priority:* Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* sec. 13407 of the American Recovery and Reinvestment Act of 2009

*CFR Citation:* 16 CFR 318.

*Legal Deadline:* None.

*Abstract:* The Commission plans to initiate periodic review of the Health Breach Notification Rule (Rule) by June 2020. This Rule requires vendors of personal health records (PHR) and PHR-related entities to provide: (1) Notice to consumers whose unsecured personally identifiable health information has been breached; and (2) notice to the Commission.

Under the Rule, vendors must notify both the FTC and affected consumers ''without unreasonable delay and in no case later than 60 calendar days'' after discovery of the breach. Among other information, the notices must provide consumers with steps they can take to protect themselves from harm.

The FTC's Rule applies only to health information that is not secured through technologies specified by the Department of Health and Human Services (HHS). Also, the FTC's Rule does not apply to businesses or organizations covered by the Health Insurance Portability and Accountability Act (HIPAA). Entities covered by HIPAA must comply with HHS' breach notification rule in the event of a security breach.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| Rule Review; Request for Comments | 06/00/20 | |

*Regulatory Flexibility Analysis Required:* Undetermined.

*Small Entities Affected:* Businesses.

*Government Levels Affected:* None.

*Agency Contact:* Elisa Jillson, Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, Phone: 202 326–3001, Email: *ejillson@ftc.gov.*

*Related RIN:* Previously reported as 3084–AB17.

*RIN:* 3084–AB56

**8. Prohibitions on Energy Market Manipulation Rule**

*Priority:* Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 42 U.S.C. 17301 to 17305

*CFR Citation:* 16 CFR 317.

*Legal Deadline:* None.

*Abstract:* The Commission plans to initiate periodic review of the Prohibition of Energy Market Manipulation Rule (Rule) by June 2020. This Rule, which became effective on November 4, 2009, prohibits fraud or deceit in wholesale petroleum markets, and omissions of material information that are likely to distort petroleum markets. Specifically, the final rule prohibits any person, directly or indirectly, in connection with the purchase or sale of crude oil, gasoline, or petroleum distillates at wholesale, from; (1) knowingly engaging in any act, practice, or course of business including making any untrue statement of material fact that operates or would operate as a fraud or deceit on any person; or (2) intentionally failing to state a material fact that under the circumstances renders a statement made by such person misleading, provided that such omission distorts or is likely to distort market conditions for any such product.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| Rule Review; Request for Comments | 06/00/20 | |

*Regulatory Flexibility Analysis Required:* Undetermined.

*Small Entities Affected:* Businesses.

*Government Levels Affected:* None.

*International Impacts:* This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

*Agency Contact:* Peter Richman, Assistant Director, Mergers III, Bureau of Competition, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, Phone: 202 326–2563, Email: *prichman@ftc.gov*.

*Related RIN:* Previously reported as 3084–AB12.

*RIN:* 3084–AB57

**9. Children's Online Privacy Protection Rule**

*Priority:* Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 15 U.S.C. 6501 *et seq.;* 15 U.S.C. 41 to 58

*CFR Citation:* 16 CFR 312.

*Legal Deadline:* None.

*Abstract:* On July 25, 2019, the Commission requested public comment on its Children's Online Privacy Protection Act Rule (COPPA Rule or Rule). 84 FR 35842 (July 25, 2019). The FTC sought comment on all major provisions of the COPPA Rule, including its definitions, notice and parental consent requirements, exceptions to verifiable parental consent, and safe harbor provision. The Commission held a public workshop to review the COPPA Rule on October 7, 2019. The public comment period closed on October 23, 2019.

The Rule prohibits unfair or deceptive acts or practices in connection with the collection, use and/or disclosure of personal information from and about children under the age of 13 on the internet. The Rule requires operators of commercial websites and online services, with certain exceptions, to obtain verifiable parental consent before collecting, using, or disclosing personal information from or about children. An operator must make reasonable efforts, in light of available technology, to ensure that the person providing consent is the child's parent. The Commission amended the Rule in 2013 to, among other things, expand the definition of personal information covered by the Rule and to include in the definition of ''website'' and ''online service directed to children,'' operators of online services with actual knowledge they are collecting personal information directly from users of other websites or online services directed to children.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| Regulatory Review; Request for Comments | 07/25/19 | 84 FR 35842 |
| Public Workshop | 10/07/19 | |
| Request for Comment Period End | 10/23/19 | |
| Review and Analyze Public Comments | 05/00/20 | |

*Regulatory Flexibility Analysis Required:* Undetermined.

*Small Entities Affected:* Businesses, Organizations.

*Government Levels Affected:* None.

*International Impacts:* This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

*Agency Contact:* Kristin Cohen, Attorney, Federal Trade Commission, Division of Privacy and Identity Protection, 600 Pennsylvania Avenue NW, Washington, DC 20580, Phone: 202 326–2276.

*Related RIN:* Previously reported as 3084–AB20.

*RIN:* 3084–AB58

**10. Use of Prenotification Negative Option Plans**

*Priority:* Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 15 U.S.C. 41 to 58

*CFR Citation:* 16 CFR 425.

*Legal Deadline:* None.

*Abstract:* On October 2, 2019, the Commission issued an Advance Notice of Proposed Rulemaking for the Negative Option Rule (Trade Regulation Rule on Use of Prenotification Negative Option Plans) seeking public comments on the effectiveness and impact of the rule and whether the rule needs to be amended to help consumers avoid recurring payments for products and services they did not intend to order and allow them to cancel such payments without unwarranted obstacles. 84 FR 52393 (Oct. 2, 2019). The comment period closed on December 2, 2019.

The Negative Option Rule governs the operation of prenotification subscription plans. Under these plans, sellers ship merchandise automatically to their subscribers, and bill them for the merchandise if consumers do not expressly reject the merchandise within a prescribed time. The rule protects consumers by: (1) Requiring that promotional materials disclose the terms of membership clearly and conspicuously, and (2) establishing procedures for the administration of such ''negative option'' plans.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| ANPRM | 10/02/19 | 84 FR 52393 |
| ANPRM Comment Period End | 12/02/19 | |
| Recommendation to Commission | 08/00/20 | |

*Regulatory Flexibility Analysis Required:* Undetermined.

*Small Entities Affected:* Businesses, Organizations.

*Government Levels Affected:* None.

*International Impacts:* This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

*Agency Contact:* Hampton Newsome, Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, Phone: 202 326–2889, Email: *hnewsome@ftc.gov*.

*Related RIN:* Related to 3084–AB13.

*RIN:* 3084–AB60

**11. • Trade Regulation Rule Concerning Power Output Claims for Amplifiers Utilized in Home Entertainment Products**

*Priority:* Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 15 U.S.C. 41 *et seq.*

*CFR Citation:* 16 CFR 432.

*Legal Deadline:* None.

*Abstract:* By December 2020, the Commission plans to initiate periodic review of the Amplifier Rule (officially the Trade Regulation Rule Concerning Power Output Claims for Amplifiers Utilized in Home Entertainment Products) as part of the Commission's systematic review of all current Commission rules and guides. The Commission plans to seek comments on, among other things, the economic impact and benefits of this rule; possible conflict between the rule and State, local, or other Federal laws or regulations; and the effect on the rule of any technological, economic, or other industry changes. Promulgated in 1974, the Rule assists consumers in purchasing power amplification equipment for home entertainment purposes by standardizing the measurement and disclosure of various performance characteristics of the equipment. The Amplifier Rule establishes uniform test standards and disclosures so that consumers can make more meaningful comparisons of performance attributes. The Rule makes it an unfair or deceptive act or practice for manufacturers and sellers of sound power amplification equipment for home entertainment purposes to fail to disclose certain performance information in connection with direct or indirect representations of power output, power band, frequency, or distortion characteristics. The Rule also sets out standard test conditions for performing the measurements that support the required performance disclosures. Further, the Rule prohibits representations of performance characteristics if they are not obtainable when the equipment is operated by the consumer in the usual and ordinary manner without the use of extraneous aids.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| Regulatory Review; Request for Comments | 12/00/20 | |

*Regulatory Flexibility Analysis Required:* Undetermined.

*Small Entities Affected:* Businesses.

*Government Levels Affected:* None.

*Agency Contact:* Jock K. Chung, Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW, CC–9528, Washington, DC 20580, Phone: 202 326–2984, Email: *jchung@ftc.gov.*

*Related RIN:* Previously reported as 3084–AB09.

*RIN:* 3084–AB62

**12. • Fair Credit Reporting Act Rules**

*Priority:* Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* Pub. L. 108–159, 117 Stat. 1952; Pub. L. 11–24, 123 Stat. 1734

*CFR Citation:* 16 CFR 640; 16 CFR 641; 16 CFR 642; 16 CFR 660; 16 CFR 680; . . .

*Legal Deadline:* None.

*Abstract:* By December 2020, the FTC plans to initiate periodic review of several Fair Credit Reporting Act rules as part of the Commission's systematic review of all current Commission rules and guides. These rules include: ''Duties of Creditors Regarding Risk-Based Pricing,'' 16 CFR part 640; ''Duties of Users of Consumer Reports Regarding Address Discrepancies,'' 16 CFR part 641; ''Prescreen Opt-Out Notice,'' 16 CFR part 642; ''Duties of Furnishers of Information to Consumer Reporting Agencies,'' 16 CFR part 660; and ''Affiliate Marketing,'' 16 CFR part 680. The FTC's rulemaking authority for these rules is limited to motor vehicle dealers described in section 1029(a) of the Dodd-Frank Act that are predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both. The Commission plans to seek comments on, among other things, the economic impact and benefits of these rules; possible conflict between the rules and State, local, or other Federal laws or regulations; and the effect on the rules of any technological, economic, or other industry changes.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| Regulatory Review: Request for Comments | 12/00/20 | |

*Regulatory Flexibility Analysis Required:* Undetermined.

*Small Entities Affected:* Businesses.

*Government Levels Affected:* None.

*Agency Contact:* David Lincicum, Federal Trade Commission, 600 Pennsylvania Avenue NW, CC–8232, Washington, DC 20580, Phone: 202 326–2773, Email: *dlincicum@ftc.gov.*

Katherine White (Affiliate Marketing), Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, Phone: 202 326–2878, Email: *kwhite@ftc.gov.*

*Related RIN:* Previously reported as 3084–AB31, Previously reported as 3084–AA94.

*RIN:* 3084–AB63

| Federal Trade Commission (FTC) | Proposed rule stage |
|---|---|
| | |

**13. Rule Concerning Energy and Water Use Labeling for Consumer Products**

*Priority:* Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* sec. 321 and 325 of the Energy Independence and Security Act of 2007 (EISA)

*CFR Citation:* 16 CFR 305.

*Legal Deadline:* None.

*Abstract:* On November 9, 2017, the Commission published proposed rule changes containing scheduled, routine updates to the comparability ranges, and unit energy cost figures on EnergyGuide labels for dishwashers, furnaces, room air conditioners, and pool heaters. The Commission also proposed to set a compliance date for EnergyGuide labels on room air conditioner boxes. The comment period closed on December 4, 2017. On February 22, 2018, the Commission published final rule amendments that update ranges of comparability and unit energy cost figures on EnergyGuide labels for

dishwashers, furnaces, room air conditioners, and pool heaters. 83 FR 7593 (Feb. 22, 2018). The effective date is May 23, 2018. The Commission also set a compliance date of October 1, 2019, for EnergyGuide labels on room air conditioner boxes and made several minor clarifications and corrections to the rule.

On October 30, 2019, the Commission issued a final rule that made nonsubstantive amendments to improve the rule's usability. 84 FR 58026 (Oct. 30, 2019). The amendments organized the rule's product descriptions to make it easier for stakeholders to identify relevant covered products, particularly for categories (such as lighting) that contain several different product types and exemptions. Next, the amendments divided the rule's primary labeling provision into several sections to make it easier to identify the labeling requirements for specific products. Finally, the changes removed obsolete, unneeded references to products manufactured and sold decades ago. The final rule was effective on November 29, 2019.

On April 10, 2020, the Commission issued a notice seeking comments on proposed amendments that would establish EnergyGuide labels for portable air conditioners. 85 FR 20218 (April 10, 2020). The proposed amendments also sought comment on changes to energy efficiency descriptors for central air conditioners to conform to upcoming DOE changes. The comment period will close on June 9, 2020.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| ANPRM | 07/17/08 | 73 FR 40988 |
| Public Meeting | 09/15/08 | |
| ANPRM Comment Period End | 09/29/08 | |
| ANPRM (Consumer Electronics) | 03/16/09 | 74 FR 11045 |
| ANPRM (Consumer Electronics) Comment Period End | 05/14/09 | |
| NPRM (Light Bulbs) | 11/10/09 | 74 FR 57950 |
| NPRM Comment Period End (Light Bulbs) | 12/28/09 | |
| NPRM (TVs and Other Consumer Electronics) | 03/11/10 | 75 FR 11483 |
| Public Meeting (TVs and Other Consumer Electronics) | 04/16/10 | |
| NPRM (TVs and Other Consumer Electronics) Comment Period End | 05/14/10 | |
| Final Rule (Light Bulbs) | 07/19/10 | 75 FR 41696 |
| Technical Correction to Final Rule (Light Bulbs) | 08/16/10 | 75 FR 49818 |
| Comment Period End (Light Bulb: Other Issues) | 09/20/10 | |
| NPRM (Light Bulbs) | 12/29/10 | 75 FR 81943 |
| Final Rule (TVs) | 01/06/11 | 76 FR 1038 |
| Final Rule (Light Bulb) | 04/12/11 | 76 FR 20233 |
| NPRM (Light Bulb II) | 08/01/11 | 76 FR 45715 |
| ANPRM (Regional Efficiency Standards) | 11/28/11 | 76 FR 72872 |
| Public Meeting (Regional Efficiency Standards) | 12/16/11 | |
| ANPRM Comment Period End (Regional Efficiency Standards) | 01/10/12 | |
| NPRM (Systematic Review) | 03/15/12 | 77 FR 15298 |
| NPRM (Regional Efficiency Standards) | 06/06/12 | 77 FR 33337 |
| NPRM (Comparability Ranges) | 01/09/13 | 78 FR 1779 |
| Final Rule (Systematic Review) | 01/10/13 | 78 FR 2200 |
| Final Rule (Regional Efficiency Standards) | 02/06/13 | 78 FR 8362 |
| Final Rule (Comparability Ranges) | 07/23/13 | 78 FR 43974 |
| NPRM (Televisions) | 12/26/13 | 78 FR 78305 |
| NPRM (Televisions) Comment Period End | 02/14/14 | |
| Final Rule (Televisions) | 04/09/14 | 79 FR 19464 |
| Supplemental NPRM (Systematic Review) | 06/18/14 | 79 FR 34642 |
| Supplemental NPRM (Systematic Review) Comment Period End | 08/18/14 | |
| Final Rule (Regional Efficiency Standards) | 12/29/14 | 79 FR 77868 |
| ANPRM (Refrigeration Products) | 12/31/14 | 79 FR 78736 |
| Final Action Effective (Regional Efficiency Standards) | 04/06/15 | |
| Final Rule (Systematic Review) | 11/02/15 | 80 FR 67285 |
| NPRM (Access to Labels) | 11/02/15 | 80 FR 67351 |
| NPRM Comment Period End | 01/01/16 | |
| Final Rule (Comparability Ranges) | 02/11/16 | 81 FR 7201 |
| Final Rule (Comparability Ranges) Effective Date | 05/11/16 | |
| NPRM (Fans, Water Heaters, Plumbing) | 09/12/16 | 81 FR 62681 |
| Final Rule (Access to Labels) | 09/15/16 | 81 FR 63634 |
| Final Rule (Access to Labels) Effective | 09/17/16 | |
| NPRM (Fans, Water Heaters, Plumbing) Comment Period End | 11/14/16 | |
| Final Rule (Access to Labels); Correction | 10/28/16 | 81 FR 74917 |
| Final Rule (Access to Labels) Effective | 06/17/17 | |
| Final Rule (Fans, Water Heaters, Plumbing) | 06/28/17 | 82 FR 29230 |
| NPRM (Comparability Ranges) | 11/09/17 | 82 FR 52024 |
| NPRM (Comparability Ranges) Comment Period End | 12/04/17 | |
| Final Rule (Comparability Ranges) | 02/22/18 | 83 FR 7593 |
| Final Rule (Comparability Ranges) Effective | 05/23/18 | |
| Final Rule (Room Air Conditioner Boxes) Effective | 10/01/19 | |
| NPRM (Non-substantive Reorganization) | 03/14/19 | 84 FR 9261 |
| NPRM (Non-substantive Reorganization) Comment Period End | 04/15/19 | |
| Final Rule (Non-substantive Reorganization) | 10/30/19 | 84 FR 58026 |
| Final Rule (Non-substantive Reorganization) Effective | 11/29/19 | |
| NPRM (Air Conditioners) | 04/10/20 | 85 FR 20218 |

| Action | Date | FR cite |
|---|---|---|
| NPRM (Air Conditioners) Comment Period End | 06/09/20 | |

*Regulatory Flexibility Analysis Required:* Undetermined.

*Small Entities Affected:* Businesses, Governmental Jurisdictions, Organizations.

*Government Levels Affected:* None.

*URL For More Information: https://www.ftc.gov/news-events/press-releases/2019/10/ftc-publishes-amendments-improve-usability-energy-labeling-rule.*

*Agency Contact:* Hampton Newsome, Attorney, Federal Trade Commission, Bureau of Consumer Protection, 600 Pennsylvania Avenue NW, CC–9528, Washington, DC 20580, Phone: 202 326–2889, Email: *hnewsome@ftc.gov.*

*Related RIN:* Related to 3084–AB11.

*RIN:* 3084–AB15

**14. Care Labeling of Textile Apparel and Certain Piece Goods as Amended**

*Priority:* Other Significant. Major status under 5 U.S.C. 801 is undetermined.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 15 U.S.C. 41 *et seq.*

*CFR Citation:* 16 CFR 423.

*Legal Deadline:* None.

*Abstract:* As part of the systematic review of all Commission rules, on July 13, 2011, the Commission initiated its periodic review of the Care Labeling Rule (or the Rule on Care Labeling of Textile Apparel and Certain Piece Goods as Amended) by publishing a notice seeking public comments on the effectiveness and impact of the rule. 76 FR 41148 (July 13, 2011). The comment period closed on September 6, 2011, and staff reviewed the comments.

On September 11, 2012, the Commission announced a Notice of Proposed Rulemaking (NPRM). Based on a review of comments, the Commission concluded that the rule continues to benefit consumers, and would be retained. The NPRM sought comments on potential updates to the rule, including changes that would: Allow manufacturers and importers, if they so choose, to include professional instructions for wet-cleaning—an environmentally friendly alternative to dry cleaning—on labels if garments can be professionally wet cleaned; permit manufacturers to use updated American Society for Testing and Materials or International Organization for Standardization symbols on labels in lieu of written terms providing care instructions; clarify what constitutes a reasonable basis for care instructions; and update and expand the definition of ''dry clean'' to reflect current practices and account for the advent of new solvents. The comment period closed on November 16, 2012.

On July 24, 2013, the Commission announced that it would host a public roundtable on October 1, 2013, to analyze proposed changes to the rule. 78 FR 45901 (July 30, 2013). On March 28, 2014, the Commission hosted a public roundtable in Washington, DC, that analyzed proposed changes to the rule. Staff anticipates the Commission will issue a Supplemental NPRM by June 2020.

The Care Labeling Rule makes it an unfair or deceptive act or practice for manufacturers and importers of textile wearing apparel and certain piece goods to sell these items without attaching care labels stating ''what regular care is needed for the ordinary use of the product.'' The rule also requires that the manufacturer or importer possess, prior to sale, a reasonable basis for the care instructions, and allows the use of approved care symbols in lieu of words to disclose care instructions.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| ANPRM | 07/13/11 | 76 FR 41148 |
| ANPRM Comment Period Closed | 09/06/11 | |
| NPRM | 09/20/12 | 77 FR 58338 |
| NPRM Comment Period Closed | 11/16/12 | |
| Commission Roundtable | 03/28/14 | |
| NPRM and Roundtable Comment Period End | 04/11/14 | |
| Supplemental NPRM | 06/00/20 | |

*Regulatory Flexibility Analysis Required:* Undetermined.

*Small Entities Affected:* Businesses.

*Government Levels Affected:* None.

*Agency Contact:* Hampton Newsome, Attorney, Federal Trade Commission, Bureau of Consumer Protection, 600 Pennsylvania Avenue NW, Washington, DC 20580, Phone: 202 326–2889, Email: *hnewsome@ftc.gov.*

*Related RIN:* Previously reported as 3084–AA54.

*RIN:* 3084–AB28

**15. Standards for Safeguarding Customer Information**

*Priority:* Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* The Gramm–Leach–Bliley Act as codified at 15 U.S.C. 6801(b), 6805(b)(2)

*CFR Citation:* 16 CFR 314.

*Legal Deadline:* None.

*Abstract:* The Safeguards Rule, as directed by the Gramm-Leach-Bliley (GLB) Act, requires each financial institution subject to the FTC's jurisdiction to develop a written information security program to keep customer information secure that is appropriate to its size and complexity, the nature and scope of its activities, and the sensitivity of the customer information at issue. Companies covered by the rule are also responsible for taking steps to ensure that their service providers safeguard customer information in their care. The Commission believes that the rule strikes an appropriate balance between allowing financial institutions flexibility and establishing standards for safeguarding customer information that are consistent with GLB's requirements.

As part of its ongoing systematic review of all rules and guides, on September 7, 2016, the Commission requested public comments on, among other things, the economic impact and benefits of the rule; possible conflict between the rule and State, local, or other Federal laws or regulations; and the effect on the rule of any technological, economic, or other industry changes. 81 FR 61632 (Sept. 7, 2016). The comment period closed on November 7, 2016. On March 5, 2019, the Commission announced a notice of proposed rulemaking. 84 FR 13158

(April 4, 2019). The public comment period as extended closed on August 2, 2019. 84 FR 24049 (May 24, 2019). Staff is reviewing approximately 50 comments that were submitted. On March 6, 2020, the Commission announced that a public workshop relating to the April 4, 2019 NPRM would be held on May 13, 2020. 85 FR 13082 (Mar. 6, 2020). However, due to the COVID–19 pandemic, the workshop will be postponed until July 13, 2020.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| Rule Review, Request for Public Comment | 09/07/16 | 81 FR 61632 |
| Comment Period End | 11/07/16 | |
| NPRM | 04/04/19 | 84 FR 13158 |
| NPRM Comment Period Extended | 05/24/19 | 84 FR 24049 |
| NPRM Extended Comment Period End | 08/02/19 | |
| Public Workshop Announcement | 03/06/20 | 85 FR 13082 |
| Public Workshop Rescheduled (Press Release) | 04/21/20 | |
| Public Workshop | 07/00/20 | |
| Public Workshop Comment Period End | 08/12/20 | |

*Regulatory Flexibility Analysis Required:* No.

*Small Entities Affected:* Businesses.

*Government Levels Affected:* None.

*International Impacts:* This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

*URL For More Information: https://www.ftc.gov/news-events/press-releases/2019/05/ftc-extends-comment-deadline-proposed-changes-safeguards-rule.*

*Agency Contact:* David Lincicum, Federal Trade Commission, 600 Pennsylvania Avenue NW, CC–8232, Washington, DC 20580, Phone: 202 326–2773, Email: *dlincicum@ftc.gov.*

*Related RIN:* Previously reported as 3084–AA87.

*RIN:* 3084–AB35

**16. Contact Lens Rule**

*Priority:* Substantive, Nonsignificant.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 15 U.S.C. 7601 to 7610

*CFR Citation:* 16 CFR 315.

*Legal Deadline:* None.

*Abstract:* The FTC promulgated the Contact Lens Rule pursuant to the Fairness to Contact Lens Consumers Act (FCLCA), 15 U.S.C. 7601 to 7610, which was enacted to enable consumers to purchase contact lenses from the seller of their choice. The Rule became effective on August 2, 2004. As mandated by the FCLCA, the Rule requires contact lens prescribers to provide prescriptions to their patients on the completion of a contact lens fitting, and verify contact lens prescriptions to contact lens sellers authorized by consumers to seek such verification. Sellers may provide contact lenses only in accordance with a valid prescription that is directly presented to the seller or verified with the prescriber.

As part of its ongoing systematic review of all FTC rules and guides, on September 3, 2015, the Commission requested public comments on, among other things, the economic impact and benefits of the Rule; possible conflict between the Rule and State, local, or other Federal laws or regulations; and the effect on the Rule of any technological, economic, or other industry changes. The comment period closed on October 26, 2015. After Commission staff completed review of the 660 comments received from consumers, eye care professionals, industry members, trade associations, and consumer advocacy groups, the Commission published a Notice of Proposed Rulemaking (NPRM) on December 7, 2016, seeking comment on its proposal to amend the Rule to require contact lens prescribers to obtain a signed acknowledgement after releasing a contact lens prescription to a patient and to maintain it for at least 3 years. In addition, to conform language of the Rule to the language of the FCLCA, the Commission proposed to amend section 315.5(e) of the Rule to remove the words ''private label.'' The Commission also sought comment on this proposal. The comment period closed on January 30, 2017, and staff reviewed more than 4,000 comments that were received.

On December 8, 2017, the Commission announced that it would hold a public workshop relating to the NPRM and other issues relating to competition in the marketplace and consumer access to contact lens. 82 FR 57889 (Dec. 8, 2017). The workshop was held on March 7, 2018, and the deadline for submitting comments on the issues discussed at the workshop was April 6, 2018. Staff reviewed the more than 3,000 comments received and submitted a recommendation to the Commission in April 2019. On May 28, 2019, the Commission issued a Supplemental Notice of Proposed Rulemaking (SNPRM), which was subsequently published in the **Federal Register**. 84 FR 24664 (May 28, 2019). As detailed in the SNPRM, after a contact lens fitting, prescribers would have to satisfy a new Confirmation of Prescription Release requirement in one of several ways-requesting that the patient acknowledge receipt of the contact lens prescription by signing a separate confirmation statement; requesting that the patient sign a prescriber-retained copy of the prescription that contains a statement confirming the patient received it; requesting that the patient sign a prescriber-retained copy of the sales receipt for the examination that contains a statement confirming the patient received the prescription; or providing the patient with a digital copy of the prescription and retaining evidence that it was sent, received, or made accessible, downloadable, and printable. The prescriber would have to maintain evidence that they satisfied the Confirmation of Prescription Release requirement for at least 3 years. The Commission believes the newly developed modification will achieve the goals of its original proposal, while imposing less of a burden on prescribers.

The Commission also sought comment on newly recommended Rule modifications affecting prescribers in several other ways: First, by adding to the Rule a definition of the term ''provide to the patient a copy,'' the Commission proposes to allow prescribers to provide patients with a digital copy of their prescription instead of a paper copy, with the patient's consent; Second, the Commission recommends requiring prescribers to provide an additional copy of a patient's prescription to a designated agent of the patient within 40 business hours of receipt of the request.

Further, to address concerns about incomplete or incomprehensible automated telephone verification

messages, the Commission proposed several new requirements for sellers who use such messages to communicate with prescribers, to include requiring that the information be delivered in a slow and deliberate manner and at a reasonably understandable volume and that prescribers be able to repeat the message. The purpose of these proposals is to enable prescribers to fulfill their roles as protectors of patients' eye health by ensuring they can comprehend sellers' verification requests.

Finally, the Commission proposed modifications designed to reduce illegal prescription alterations by sellers in violation of the Rule. The Rule already prohibits prescription alteration, but some sellers appear to use passive verification to switch consumers from their prescribed lens to another lens brand. The Commission therefore proposes to amend the prohibition on seller alteration of prescriptions by specifying that alteration includes a seller providing the prescriber with a verification request with the name of a manufacturer or brand other than that specified by the patient's prescriber, unless such name is specifically provided by the patient.

The Commission also proposed to amend the Rule to require that sellers provide a mechanism that would allow patients to present their prescriptions directly to the seller. These changes are meant to ensure that consumers receive the lenses prescribed for them, consistent with the intent of the FCLCA and the Rule. The public comment period closed on July 29, 2019. Staff submitted a recommendation to the Commission during early spring 2020 and anticipates Commission action by May 2020.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| Rule Review, Request for Public Comments | 09/03/15 | 80 FR 53272 |
| Rule Review Comment Period Closed | 10/26/15 | |
| NPRM | 12/07/16 | 81 FR 88526 |
| NPRM Comment Period Closed | 01/30/17 | |
| Announcement of Public Workshop | 12/08/17 | 82 FR 57889 |
| Public Workshop | 03/07/18 | |
| Public Workshop Comment Period End | 04/06/18 | |
| Recommendation to Commission | 04/08/19 | |
| Supplemental NPRM | 05/28/19 | 84 FR 24664 |
| Supplemental NPRM Comment Period End | 07/29/19 | |
| Recommendation to Commission | 03/31/20 | |
| Commission Action | 05/00/20 | |

*Regulatory Flexibility Analysis Required:* No.

*Small Entities Affected:* Businesses, Organizations.

*Government Levels Affected:* None.

*URL For More Information: https://www.ftc.gov/news-events/press-releases/2019/05/ftc-seeks-additional-public-comment-proposed-changes-contact-lens.*

*Agency Contact:* Alysa Bernstein, Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW, CC–10528, Washington, DC 20580, Phone: 202 326–3289, Email: *abernstein@ftc.gov.*

*Related RIN:* Previously reported as 3084–AA95.

*RIN:* 3084–AB36

**17. Privacy of Consumer Financial Information**

*Priority:* Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 15 U.S.C. 6801 *et seq.*

*CFR Citation:* 16 CFR 313.

*Legal Deadline:* None.

*Abstract:* The Privacy of Consumer Financial Information Rule (Privacy Rule or Rule), 16 CFR part 313, requires among other things that certain motor vehicle dealers provide an annual disclosure of their privacy policies to their customers by hand delivery, mail, electronic delivery, or, with the consent of the consumer, through a website.

On June 24, 2015, the Commission proposed amending the Rule to allow motor vehicle dealers instead to notify their customers that a privacy policy is available on their websites, under certain circumstances. 80 FR 36267 (June 24, 2015). The proposed amendment would also revise the scope and definitions in the Rule in light of the transfer of part of the Commission's rulemaking authority to the Consumer Financial Protection Bureau in the Dodd-Frank Wall Street Reform and Consumer Protection Act. In particular, the proposed amendment would clarify that the Commission's Privacy Rule applies only to certain motor vehicle dealers, and not to a broader range of financial institutions as it had prior to the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The comment period closed on August 31, 2015. Congress subsequently enacted the Fixing America's Surface Transportation (FAST) Act, which included a provision amending the Gramm-Leach-Bliley Act to create a new exception to the annual notice requirement. On March 5, 2019, the Commission announced a notice of proposed rulemaking. The comment period closed on June 3, 2019. Staff anticipates sending a recommendation to the Commission by September 2020.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| NPRM | 06/24/15 | 80 FR 36267 |
| NPRM Comment Period End | 08/31/15 | |
| Supplemental NPRM | 04/04/19 | 84 FR 13151 |
| Supplemental NPRM Comment Period End | 06/03/19 | |
| Recommendation to Commission | 09/00/20 | |

*Regulatory Flexibility Analysis Required:* No.

*Small Entities Affected:* Businesses.

*Government Levels Affected:* None.

*URL For More Information: https://www.ftc.gov/news-events/press-releases/*

*2019/03/ftc-seeks-comment-proposed-amendments-safeguards-privacy-rules.*

*Agency Contact:* David Lincicum, Federal Trade Commission, 600 Pennsylvania Avenue NW, CC–8232, Washington, DC 20580, Phone: 202 326–2773, Email: *dlincicum@ftc.gov.*

*Related RIN:* Previously reported as 3084–AA97.

*RIN:* 3084–AB42

**18. Premerger Notification Rules and Report Form**

*Priority:* Substantive, Nonsignificant.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 15 U.S.C. 18(a), Clayton Act

*CFR Citation:* 16 CFR 801 to 803.

*Legal Deadline:* None.

*Abstract:* The Premerger Notification Rules (HSR Rules or Rules) and the Antitrust Improvements Act Notification and Report Form (HSR Form) were adopted pursuant to section 7(A) of the Clayton Act. Section 7(A) requires firms of a certain size contemplating mergers, acquisitions, or other transactions of a specified size to file notification with the Federal Trade Commission (FTC) and the U.S. Department of Justice (DOJ) and to wait a designated period of time before consummating the transaction. It also requires the FTC, with the concurrence of the U.S. Assistant Attorney General for the Antitrust Division, to promulgate rules requiring that notification be in a form and contain information necessary to enable the FTC and DOJ to determine whether the proposed transaction may, if consummated, violate antitrust laws. These rules are continually reviewed in order to improve the program's effectiveness and reduce the paperwork burden on the business community.

Pursuant to the 2000 Amendments to section 7(A) of the Clayton Act, codified at 15 U.S.C. 18(a), the filing thresholds are revised annually based on the change in gross national product. The threshold reporting figure of the size-of-the-transaction test under section 7(A)(a)(2)(B)(I) is now $94 million, which was effective February 27, 2020. 85 FR 4984 (Jan. 28, 2020).

On October 31, 2019, the Commission issued a Notice of Proposed Rulemaking that proposed clarifying the definition of foreign issuer in the HSR Rules. 84 FR 58348 (Oct. 31, 2019). The current definition for U.S. and foreign persons and issuers focuses on three tests, one of which relates to the location of ''principal offices.'' But the term ''principal offices'' is not defined in the rules; this rulemaking would provide a definition. The deadline for providing public comments closed on December 30, 2019. Staff is currently drafting a recommendation to submit to the Commission by June 2020.

By the end of June 2020, the Commission plans to initiate periodic review of the HSR Rules as part of the Commission's systematic review of all current Commission rules and guides. The Commission plans to seek comments on, among other things, the economic impact and benefits of these Rules; possible conflict between the Rules and State, local, or other Federal laws or regulations; and the effect on the Rules of any technological, economic, or other industry changes.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| Final Rule (HSR Form Update) | 07/12/17 | 82 FR 32123 |
| Final Rule (HSR Form Instructions Update) | 07/16/18 | 83 FR 32768 |
| Final Rule (HSR Form Instructions Update) Effective | 08/15/18 | |
| Final Rule (HSR Form Instructions Update) | 06/27/19 | 84 FR 30595 |
| Recommendation to Commission (Foreign Issuer) | 08/15/19 | |
| Final Rule (HSR Form Instructions Update) Effective | 09/25/19 | |
| NPRM (Foreign Issuer) | 10/31/19 | 84 FR 58348 |
| NPRM (Foreign Issuer) Comment Period End | 12/30/19 | |
| Recommendation to Commission (Foreign Issuer) | 06/00/20 | |
| Rule Review; Request for Comments | 06/00/20 | |
| NPRM (De Minimis and Aggregation) | 06/00/20 | |
| NPRM (Reporting and Waiting Period Requirements) | 06/00/20 | |

*Regulatory Flexibility Analysis Required:* No.

*Small Entities Affected:* No.

*Government Levels Affected:* None.

*International Impacts:* This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

*URL For More Information: https://www.ftc.gov/news-events/press-releases/2019/11/ftc-doj-approve-procedural-amendments-hsr-rules-foreign-entities.*

*Agency Contact:* Robert L. Jones, Assistant Director, Premerger Notification Office, Bureau of Competition, Federal Trade Commission, 600 Pennsylvania Ave. NW, Washington, DC 20580, Phone: 202 326–2740, Email: *rjones@ftc.gov.*

*Related RIN:* Related to 3084–AB32, Related to 3084–AA91, Related to 3084–AA23.

*RIN:* 3084–AB46

**19. • Rules and Regulations Under the Textile Fiber Identification Act**

*Priority:* Substantive, Nonsignificant. Major status under 5 U.S.C. 801 is undetermined.

*E.O. 13771 Designation:* Independent agency.

*Legal Authority:* 15 U.S.C. 70

*CFR Citation:* 15 CFR 303.

*Legal Deadline:* None.

*Abstract:* On February 18, 2020, the Commission issued a Notice of Proposed Rulemaking to amend the Textile Rules (officially the Rules and Regulations under the Textile Fiber Products Identification Act) to incorporate the most recent ISO 2076 standard for generic fiber names. 85 FR 8781 (Feb. 18, 2020). The proposed amendment should reduce compliance costs and increase flexibility for firms providing textile fiber information to consumers. The comment period closed on March 19, 2020.

The Textile Fiber Products Identification Act requires articles of wearing apparel and other covered household textile articles to be marked with: (1) The generic names and percentages by weight of the constituent fibers present in the textile fiber product; (2) the name under which the manufacturer or another responsible U.S. company does business, or in lieu thereof, the registered identification number (RN) of such a company; and (3) the name of the country where the textile product was processed or manufactured.

*Timetable:*

| Action | Date | FR cite |
|---|---|---|
| NPRM | 02/18/20 | 85 FR 8781 |
| NPRM Public Comment Period End | 03/19/20 | |
| Staff Review and Analysis of Public Comments | 05/00/20 | |

*Regulatory Flexibility Analysis Required:* Undetermined.

*Small Entities Affected:* Businesses.

*Government Levels Affected:* None.

*URL For More Information: https://www.ftc.gov/policy/federal-register-notices/16-cfr-part-303-rules-regulations-under-textile-fiber-products-1.*

*Agency Contact:* Jock K. Chung, Attorney, Federal Trade Commission, 600 Pennsylvania Avenue NW, CC–9528, Washington, DC 20580, Phone: 202 326–2984, Email: *jchung@ftc.gov.*

*Related RIN:* Previously reported as 3084–AB47.

*RIN:* 3084–AB61

[FR Doc. 2020–08932 Filed 5–6–20; 8:45 am]

BILLING CODE P

# Notices

Federal Register

Vol. 85, No. 89

Thursday, May 7, 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

May 1, 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 8, 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:* Customer Service Survey Project.

*OMB Control Number:* 0579–0334.

*Summary of Collection:* The Animal Health Protection Act of 2002 (7, U.S.C. 8301, *et seq.*), authorizes the Secretary of the U.S. Department of Agriculture to prevent, control and eliminate domestic diseases such as tuberculosis and brucellosis and to take actions to prevent and to manage foreign animal diseases such as hog cholera, foot-and-mouth disease. The Veterinary Services (VS) program of the Animal and Plant Health Inspection Service (APHIS), USDA, carries out this work. This information collection solicits the beliefs and opinions of persons who use VS services and products. The survey is required to solicit information from the general public who utilize the business services and animal programs administered by the USDA, APHIS, and VS.

*Need and Use of the Information:* The data collected from the survey will provide the local Area Office Manager with a general view of the public's perception of customer service and indicate problems which can be addressed locally. The survey will also provide feedback from the public on recommendations to improve upon customer service and provide a vehicle in which questions can be asked about VS to educate the public.

*Description of Respondents:* Business or other for-profit; Farms; Individuals or households; Not-for-profit institutions; State, Local or Tribal Government.

*Number of Respondents:* 15,050.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 797.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2020–09697 Filed 5–6–20; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Ketchikan Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Ketchikan Resource Advisory Committee (RAC) will hold a virtual meeting. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following website: *https://www.fs.usda.gov/main/pts.*

**DATES:** The meeting will be held on the following dates, with meetings starting each day at 6:00 p.m.

- Friday, May 22, 2020; and
- Saturday, May 23, 2020.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**ADDRESSES:** The meeting will be held with virtual attendance only. For virtual meeting information, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Ketchikan Misty Fjords Ranger District. Please call ahead to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** Penny L. Richardson, RAC Coordinator, by phone at 907–419–5300 or via email at *penny.richardson@usda.gov.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to:

1. Update members on past RAC projects, and
2. Propose new RAC projects.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by May 15, 2020, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Penny L. Richardson, RAC Coordinator, Ketchikan Misty Fjords Ranger District, 3031 Tongass Avenue, Ketchikan, Alaska 99901; by email to *penny.richardson@usda.gov,* or via facsimile to 907–225–8738.

*Meeting Accommodations:* If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: May 4, 2020.

**Cikena Reid,**

*Committee Management Officer.*

[FR Doc. 2020–09791 Filed 5–6–20; 8:45 am]

**BILLING CODE 3411–15–P**

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meeting of the South Dakota Advisory Committee

**AGENCY:** Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the South Dakota Advisory Committee to the Commission will convene at 11:00 a.m. (CDT) on Tuesday, May 26, 2020 via teleconference. The purpose of the meeting is project planning.

**DATES:** Tuesday, May 26, 2020, at 11:00 a.m. (CDT).

**ADDRESSES:** To be held via teleconference: 1–800–458–4121, Conference ID: 5825089.

TDD: Dial Federal Relay Service 1–800–877–8339 and give the operator the above conference call number and conference ID.

**FOR FURTHER INFORMATION CONTACT:** Mallory Trachtenberg, *mtrachtenberg@usccr.gov,* (312) 353–8311.

**SUPPLEMENTARY INFORMATION:** Members of the public may listen to the discussion by dialing the following Conference Call Toll-Free Number: 1–800–458–4121; Conference ID: 5825089. Please be advised that before being placed into the conference call, the operator will ask callers to provide their names, their organizational affiliations (if any), and an email address (if available) prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free phone number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS) at 1–800–877–8339 and provide the FRS operator with Conference Call Toll-Free Number: 1–800–458–4121; Conference ID: 5825089. Members of the public are invited to submit written comments; the comments must be received in the regional office by Friday, June 26, 2020. Written comments may be emailed to Mallory Trachtenberg at *mtrachtenberg@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzm5AAA* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Midwestern Regional Office at the above phone number, email or mailing address.

**Agenda**

*Tuesday, May 26, 2020 at 11:00 a.m. (CDT)*

- Roll-call
- Transition for Chair and Designated Federal Official
- Project Planning
- Other Business
- Open Comment
- Adjourn

Dated: May 1, 2020.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2020–09719 Filed 5–6–20; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[B–25–2020]**

### Foreign-Trade Zone (FTZ) 26—Atlanta, Georgia, Notification of Proposed Production Activity, Janssen Pharmaceuticals Inc. (Pharmaceutical Products), Athens, Georgia

Janssen Pharmaceuticals Inc. (Janssen), submitted a notification of proposed production activity to the FTZ Board for its facility in Athens, Georgia. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on April 29, 2020.

Janssen already has authority to produce tapentadol hydrochloride within Subzone 26K. The current request would add a finished product and foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components and specific finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Janssen from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below and in the existing scope of authority, Janssen would be able to choose the duty rates during customs entry procedures that applies to apalutamide—bulk active pharmaceutical ingredient (duty-free). Janssen would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: 5 amino 3 (trifluoromethyl) 2 pyridinecarbonitrile; 1-[(terbutoxycarbonyl) amino] cyclobutanecarboxylic acid; 4-bromo-2-fluoro-N-methylbenzamide; tetramethylethylendiamine (TMEDA) 99%; and, phenyl chlorothionoformate (PTCFM) (duty rates 6.5%). The request

indicates that certain materials/components are subject to special duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is June 16, 2020.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Christopher Wedderburn at *Chris.Wedderburn@trade.gov* or (202) 482–1963.

Dated: May 1, 2020.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2020–09763 Filed 5–6–20; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[B–26–2020]**

### Foreign-Trade Zone (FTZ) 116—Port Arthur, Texas, Notification of Proposed Production Activity, Golden Pass LNG Terminal LLC (Liquified Natural Gas Processing), Port Arthur, Texas

Golden Pass LNG Terminal LLC (Golden Pass LNG) submitted a notification of proposed production activity to the FTZ Board for its facility in Port Arthur, Texas. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on April 21, 2020.

The applicant indicates that it will be submitting a separate application for FTZ designation at the company's facility under FTZ 116. The facility, which is currently undergoing expansion, will be used for liquified natural gas processing. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status material and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Golden Pass LNG from customs duty payments on the foreign-status material used in export production. On its domestic sales, for the foreign-status material noted below, Golden Pass LNG would be able to choose the duty rates during customs entry procedures that apply to liquified natural gas and stabilized gas condensate (duty rate ranges from duty-free to 10.5 cents/barrel). Golden Pass LNG would be able to avoid duty on foreign-status material which becomes scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The material sourced from abroad is gaseous natural gas (duty-free). The request indicates that gaseous natural gas is subject to special duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is June 16, 2020.

A copy of the notification will be available for public inspection in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: May 1, 2020.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2020–09758 Filed 5–6–20; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–823–815]**

### Oil Country Tubular Goods From Ukraine: Final Results of the First Five-Year Sunset Review of the Antidumping Duty Order

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

**SUMMARY:** The Department of Commerce (Commerce) finds that the revocation of the antidumping duty (AD) order on oil country tubular goods (OCTG) from Ukraine would likely lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

**DATES:** Applicable May 7, 2020.

**FOR FURTHER INFORMATION CONTACT:** Lauren Caserta or Mark Hoadley, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4737 or (202) 482–3148, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On September 30, 2019, Commerce published the *Preliminary Results* of the sunset review,[1] finding that dumping was likely to continue or recur if the *Order*[2] were revoked and determined that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping for all exporters and producers at weighted average margin of dumping of 7.47 percent.[3] We invited interested parties to comment on the *Preliminary Results.* We received a case brief from the Ministry of Economic Development, Trade and Agriculture of the government of Ukraine on October 30, 2019, and a case brief from Interpipe and North American Interpipe (collectively, Interpipe) on October 31, 2019. We received a rebuttal brief from Maverick Tube Corporation, Tenaris Bay City, Inc., BENTELER Steel/Tube Manufacturing Corp., United States Steel Corporation, IPSCO Tubulars, Inc., Welded Tube USA Inc., Boomerang Tube, LLC, and Vallourec Star, L.P. (collectively, the domestic interested parties) on November 4, 2019.

#### Scope of the Order

The merchandise subject to this *Order* is certain oil country tubular goods (OCTG) from Ukraine, which are hollow steel products of circular cross-section, including oil well casing and tubing, of iron (other than cast iron) or steel (both carbon and alloy), whether seamless or welded, regardless of end finish (*e.g.,* whether or not plain end, threaded, or threaded and coupled) whether or not conforming to American Petroleum Institute (API) or non-API specifications, whether finished (including limited service OCTG products) or unfinished (including green tubes and limited service OCTG products), whether or not thread

[1] *See Oil Country Tubular Goods from Ukraine: Preliminary Results of the First Five-Year Sunset Review of the Antidumping Duty Order,* 84 FR 51510 (September 30, 2019) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

[2] *See Termination of the Suspension Agreement on Certain Oil Country Tubular Goods from Ukraine, Rescission of Administrative Review, and Issuance of Antidumping Duty Order,* 84 FR 33918 (July 16, 2019) (*Order*).

[3] *See Preliminary Results,* 84 FR at 51511.

protectors are attached. The scope of the *Order* also covers OCTG coupling stock.

Excluded from the scope of this *Order* are: Casing or tubing containing 10.5 percent or more by weight of chromium; drill pipe; unattached couplings; and unattached thread protectors.

The merchandise subject to this *Order* is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to this *Order* may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40, 7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the product coverage is dispositive.

## Analysis of Comments Received

All issues raised for the final results of this sunset review are addressed in the Issues and Decision Memorandum, dated concurrently with this final notice, which is hereby adopted by this notice. The issues discussed in the Issues and Decision Memorandum are the likelihood of continuation or recurrence of dumping, and the magnitude of the margin of dumping likely to prevail if this *Order* were revoked. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

## Final Results of Review

We determine that revocation of the *Order* on OCTG from Ukraine would be likely to lead to a continuation or recurrence of dumping at a weighted average margin of dumping of 7.47 percent for all exporters and producers of subject merchandise.

## Administrative Protective Orders

This notice also serves as the only reminder to each party subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

## Notification to Interested Parties

We are issuing and publishing the final results of this sunset review, in accordance with sections 751(c)(5)(A), 752(c), and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.218(f)(3).

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

## Appendix

### List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Issues
Issue 1: Likelihood of Continuation or Recurrence of Dumping
Issue 2: Magnitude of the Margin of Dumping Likely To Prevail
V. Recommendation

[FR Doc. 2020–09761 Filed 5–6–20; 8:45 am]

BILLING CODE 3510–DS–P

---

## DEPARTMENT OF COMMERCE

## International Trade Administration

**[C–570–991]**

## Chlorinated Isocyanurates From the People's Republic of China: Continuation of Countervailing Duty Order

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

**SUMMARY:** As a result of the determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) that revocation of the countervailing duty order on chlorinated isocyanurates (chlorinated isos) from the People's Republic of China (China) would likely lead to a continuation or recurrence of countervailable subsidies and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the countervailing duty order.

**DATES:** Applicable May 7, 2020.

**FOR FURTHER INFORMATION CONTACT:** Nathan James, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5305.

**SUPPLEMENTARY INFORMATION:**

## Background

On November 24, 2014, Commerce published the notice of the countervailing duty order on chlorinated isos from China.[1] On October 1, 2019, Commerce published the notice of initiation of the first sunset review of the countervailing duty order on chlorinated isos from China, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] Also on October 1, 2019, the ITC instituted its review of the *Order.*[3]

On October 16, 2019, Commerce received a timely notice of intent to participate in this review from Bio-Lab, Inc. (Bio-Lab), Clearon Corp. (Clearon),

[1] *See Chlorinated Isocyanurates from the People's Republic of China: Countervailing Duty Order,* 79 FR 67424 (November 13, 2014) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 84 FR 31304 (October 1, 2019).

[3] *See Chlorinated Isocyanurates From China; Institution of Five-Year Review,* 84 FR 52132 (October 1, 2019).

and Occidental Chemical Corporation (OxyChem), as domestic producers of chlorinated isos within the deadline specified in 19 CFR 351.218(d)(1)(i).[4] On October 31, 2019, Commerce received a complete substantive response for the review from the domestic producers within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] Commerce received no substantive responses from respondent interested parties, including the Government of China. Pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) sunset review of this *Order*.[6]

As a result of its review, Commerce determined that revocation of the countervailing duty order would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. On April 24, 2020, the ITC published its determination that revocation of the *Order* would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, pursuant to section 751(c) of the Act.[7]

## Scope of the Order

The products covered by the *Order* are chlorinated isocyanurates. Chlorinated isocyanurates are derivatives of cyanuric acid, described as chlorinated s-triazine triones. There are three primary chemical compositions of chlorinated isocyanurates: (1) Trichloroisocyanuric acid (TCCA) (Cl3(NCO)3), (2) sodium dichloroisocyanurate (dihydrate) (NaCl2(NCO)3 X 2H2O), and (3) sodium dichloroisocyanurate (anhydrous) (NaCl2(NCO)3). Chlorinated isocyanurates are available in powder, granular and solid (*e.g.,* tablet or stick) forms.

Chlorinated isocyanurates are currently classifiable under subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.50.4000, 3808.94.5000, and 3808.99.9500 of the Harmonized Tariff Schedule of the United States (HTSUS). The tariff classification 2933.69.6015 covers sodium dichloroisocyanurates (anhydrous and dihydrate forms) and trichloroisocyanuric acid. The tariff classifications 2933.69.6021 and 2933.69.6050 represent basket categories that include chlorinated isocyanurates and other compounds including an unfused triazine ring. The tariff classifications 3808.50.4000, 3808.94.5000 and 3808.99.9500 cover disinfectants that include chlorinated isocyanurates. The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this *Order* is dispositive.

## Continuation of the Order

As a result of the determinations by Commerce and the ITC that revocation of the *Order* would likely lead to continuation or recurrence of countervailable subsidies and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Order.*

U.S. Customs and Border Protection will continue to collect countervailing duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the *Order* will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, Commerce intends to initiate the next sunset review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

## Notification to Interested Parties

This five-year sunset review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: April 30, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2020–09762 Filed 5–6–20; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See* Domestic Producers' Letter, ''Chlorinated Isocyanurates from the People's Republic of China: Notice of Intent to Participate,'' dated October 16, 2019.

[5] *See* Domestic Producers' Letter, ''Chlorinated Isocyanurates from the People's Republic of China: Substantive Response to Notice of Initiation of Five-Year (Sunset) Review of the Countervailing Duty Order,'' dated October 31, 2019.

[6] *See Chlorinated Isocyanurates from the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order,* 85 FR 6142 (February 4, 2020).

[7] *See Chlorinated Isocyanurates from China,* 85 FR 23060 (April 24, 2020).

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–865]**

## Certain Hot-Rolled Carbon Steel Flat Products From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2017–2018

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

**SUMMARY:** The Department of Commerce (Commerce) determines that all companies subject to this administrative review of the antidumping duty (AD) order on certain hot-rolled carbon steel flat products (hot-rolled steel) from the People's Republic of China (China) are part of the China-wide entity because none filed a separate rate application (SRA) or separate rate certification (SRC). The period of review (POR) is November 1, 2017 through October 31, 2018.

**DATES:** Applicable May 7, 2020.

**FOR FURTHER INFORMATION CONTACT:** Matthew Renkey, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2312.

**SUPPLEMENTARY INFORMATION:** On December 30, 2019, Commerce published the *Preliminary Results* of this review.[1] Although we invited parties to comment on the *Preliminary Results,*[2] no interested party submitted comments. Accordingly, no decision memorandum accompanies this **Federal Register** notice. Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

## Scope of the Order

The products covered by the order are certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths of a thickness of less

[1] *See Certain Hot-Rolled Carbon Steel Flat Products from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2017–2018,* 84 FR 71896 (December 30, 2019) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *Id.,* 84 FR at 71896–97.

than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1,250 mm, and of a thickness of not less than 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of the order.

Specifically included within the scope of the order are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products included in the scope of the order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is two percent or less, by weight; and, (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of the order unless otherwise excluded. The following products, for example, are outside or specifically excluded from the scope of the order:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.,* American Society for Testing and Materials (ASTM) specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron & Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearing steels, as defined in the HTSUS.
- Tool steels, as defined in the HTSUS.
- Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to the order is classified in the HTSUS at subheadings: 7208.10.1500, 7208.10.3000, 7208.10.6000, 7208.25.3000, 7208.25.6000, 7208.26.0030, 7208.26.0060, 7208.27.0030, 7208.27.0060, 7208.36.0030, 7208.36.0060, 7208.37.0030, 7208.37.0060, 7208.38.0015, 7208.38.0030, 7208.38.0090, 7208.39.0015, 7208.39.0030, 7208.39.0090, 7208.40.6030, 7208.40.6060, 7208.53.0000, 7208.54.0000, 7208.90.0000, 7211.14.0090, 7211.19.1500, 7211.19.2000, 7211.19.3000, 7211.19.4500, 7211.19.6000, 7211.19.7530, 7211.19.7560, and 7211.19.7590.

Certain hot-rolled carbon steel flat products covered by the order, including: vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.0000, 7225.19.0000, 7225.30.3050, 7225.30.7000, 7225.40.7000, 7225.99.0090, 7226.11.1000, 7226.11.9030, 7226.11.9060, 7226.19.1000, 7226.19.9000, 7226.91.5000, 7226.91.7000, 7226.91.8000, and 7226.99.0000. Subject merchandise may also enter under 7210.70.3000, 7210.90.9000, 7211.14.0030, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

## Final Results of Review

We made no changes from the *Preliminary Results.* Therefore, as a result of this review, we determine that all companies subject to this administrative review have not established their eligibility for a separate rate and are part of the China-wide entity.[3] Furthermore, as stated in the PDM,[4] we have referred allegations regarding the potential misreporting of entry types to U.S. Customs and Border Protection (CBP).

## Assessment Rates

Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b). Because we determined that all companies subject to this review are not eligible for a separate rate and are part of the China-wide entity, we will instruct CBP to apply an *ad valorem* assessment rate of 90.83 percent to all entries of subject merchandise during the POR by the companies under review. Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

## Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) For all China exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity (*i.e.,* 90.83 percent); (2) for previously investigated or reviewed China and non-China exporters which are not under review in this segment of the proceeding but received a separate rate in a previous segment, the cash deposit rate will continue to be the existing exporter-specific rate; and (3) for all non-China exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the China exporter(s) that supplied that non-China exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

## Notification to Importers

This notice serves as a reminder to importers of their responsibility, under

[3] For a list of the companies under review and which are determined to be part of the China-wide entity, *see Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 2159 (February 6, 2019).

[4] *See* PDM at 4.

19 CFR 351.402(f)(2), to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

**Administrative Protective Order**

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

**Notification to Interested Parties**

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h) and 351.221(b)(5).

Dated: May 1, 2020.

**Jeffrey I. Kessler,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2020–09760 Filed 5–6–20; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Agency Information Collection Activities; Comment Request; Vessel Monitoring System Requirements in Western Pacific Fisheries

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before July 6, 2020.

**ADDRESSES:** Direct all written comments to Adrienne Thomas, PRA Officer, NOAA, 151 Patton Avenue, Room 159, Asheville, NC 28801 (or via the internet at *PRAcomments@doc.gov*). Please reference OMB Control Number 06xx-xxxx in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Walter Ikehara, (808) 725–5175 or *walter.ikehara@noaa.gov.*

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

This request is for extension of a currently approved information collection.

As part of fishery management plans developed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, owners of commercial fishing vessels in the Hawaii pelagic longline fishery, American Samoa pelagic longline fishery (only vessels longer than 50 feet), Northwestern Hawaiian Islands lobster fishery (currently inactive), and Northern Mariana Islands bottomfish fishery (only vessels longer than 40 feet) must allow the National Oceanic and Atmospheric Administration (NOAA) to install vessel monitoring system (VMS) units on their vessels when directed to do so by NOAA enforcement personnel. VMS units automatically send periodic reports on the position of the vessel. NOAA uses the reports to monitor the vessel's location and activities, primarily to enforce regulated fishing areas. NOAA pays for the units and messaging. There is no public burden for the automatic messaging; VMS installation, annual maintenance and operating (connection) costs for Hawaii longline vessels are paid for by NOAA Fisheries.

**II. Method of Collection**

Automatic electronic submission.

**III. Data**

*OMB Control Number:* 0648–0441.

*Form Number:* None.

*Type of Review:* Regular submission (Extension of a currently approved information collection).

*Affected Public:* Business or other for-profit organizations; individuals or households.

*Estimated Number of Respondents:* 209.

*Estimated Time per Response:* 4 hours for installation or replacement of a VMS unit; 2 hours for annual maintenance.

*Estimated Total Annual Burden Hours:* 478 (estimated 15 installations per year).

*Estimated Total Annual Cost to Public:* $0 in VMS system installation and maintenance, recordkeeping, or reporting costs.

**IV. Request for Comments**

We are soliciting public comments to permit the Department to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: May 4, 2020.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2020–09768 Filed 5–6–20; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[RTID 0648–XA140]**

### Fisheries of the Gulf of Mexico and the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The SEDAR 68 assessment process of Gulf of Mexico and Atlantic Scamp will consist of a series of data and assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

**DATES:** The SEDAR 68 Data Plenary Webinar II for Gulf of Mexico and Atlantic Scamp grouper will be held Tuesday, May 26, 2020, from 2 p.m. to 4 p.m.

**ADDRESSES:** The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

*SEDAR address:* 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

**FOR FURTHER INFORMATION CONTACT:** Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net.*

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data/Assessment Workshop, and (2) a series of webinars. The product of the Data/Assessment Workshop is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses, and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Data Webinars are as follows:

1. An assessment data set and associated documentation will be developed during the webinars.

2. Participants will evaluate proposed data and select appropriate sources for providing information on life history characteristics, catch statistics, discard estimates, length and age composition, and fishery dependent and fishery independent measures of stock abundance.

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 identified in this notice and any issues arising after publication of this notice 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

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

**Note:** The times and sequence specified in this agenda are subject to change.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: April 30, 2020.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2020–09741 Filed 5–6–20; 8:45 am]

**BILLING CODE 3510–22–P**

# DEPARTMENT OF DEFENSE

## Department of the Army

**[Docket ID USA–2020–HQ–0006]**

## Proposed Collection; Comment Request

**AGENCY:** U.S. Army Corps of Engineers (USACE), DoD.

**ACTION:** Information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995,* the U.S. Army Corps of Engineers announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by July 6, 2020.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

*Mail:* DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to U.S. Army Corps of Engineers, Office of Homeland Security, 441 G Street NW, ATTN: Stephanie Bray, Washington, DC 20314–1000, or contact Stephanie Bray, Office of Homeland Security, by email at *Stephanie.N.Bray@usace.army.mil* or by phone at 202–761–4827.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Wetland Determination Automated Data Sheets and Jurisdictional Determination Forms; Eng Form 6116; OMB Control Number 0710–WDAD.

*Needs and Uses:* In an effort to address regional wetland characteristics and improve the accuracy and efficiency of wetland delineation procedures, the U.S. Army Corps of Engineers Engineer Research and Development Center (ERDC) developed ten regional supplements to the Corps Manual, the most recent of which were issued in

2006. In developing the regional supplements, the Corps recognized that a single national manual is unable to consider regional differences in climate, geology, soils, hydrology, plant, and animal communities, and other factors that are important to the identification and functioning of wetlands. The wetland indicators and guidance provided in the regional supplements are designed to be used in combination with the Corps Manual to identify wetland waters of the United States.

*Affected Public:* Individual or household.

*Annual Burden Hours:* 31,049 Hours.

*Number of Respondents:* 31,049.

*Responses per Respondent:* 1.

*Annual Responses:* 31,049.

*Average Burden per Response:* 1 hour.

*Frequency:* Annually.

Dated: May 4, 2020.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2020–09774 Filed 5–6–20; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Department of the Army

**[Docket ID USA–2020–HQ–0007]**

### Proposed Collection; Comment Request

**AGENCY:** U.S. Army Corps of Engineers (USACE), DoD.

**ACTION:** Information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995,* the U.S. Army Corps of Engineers, announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by July 6, 2020.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

*Mail:* DoD cannot receive written comments at this time due to the COVID–19 pandemic. Comments should be sent electronically to the docket listed above.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to U.S. Army Corps of Engineers, Office of Homeland Security, 441 G Street NW, ATTN: Stephanie Bray, Washington, DC 20314–1000, or contact Stephanie Bray, Office of Homeland Security, by email at *Stephanie.N.Bray@usace.army.mil* or by phone at 202–761–4827.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Silver Jackets Program Nomination and Awards; Nomination Form Eng Form 6128; OMB Control Number 0710–SJAP.

*Needs and Uses:* The information collection request is necessary to obtain input and feedback into the successes of various Silver Jackets State Teams deserving of recognition through annual awards. The form provides a means of nominating teams for consideration and can be filled out by State government employees. State government employees are also asked to vote for the nominated team most deserving of recognition after the nomination phase is complete.

*Affected Public:* Individual or household.

*Annual Burden Hours:* 27 hours.

*Number of Respondents:* 54.

*Responses per Respondent:* 2.

*Annual Responses:* 108.

*Average Burden per Response:* 30 minutes.

*Frequency:* Annually.

Call for Nominations is issued annually to request nominations for the Silver Jackets State Team of the Year award. Because the Silver Jackets program is not a USACE-only program, but an intergovernmental partnership program, incorporating input and feedback from our State partners is critical to recognizing the accomplishments of the teams. There are two information collection requests associated with the Silver Jackets State Team of the Year award. Respondents to both are State government employees who partner with USACE on Silver Jackets State Teams. Silver Jackets is an innovative program that provides States with an opportunity to consistently coordinate with multiple state, federal, and sometimes tribal and local agencies to learn from one another and implement flood risk reduction. The first information collection request is for the nomination of teams for consideration. The second information collection request is to cast votes for the winning team from among those teams that were previously nominated. Eng Form 6128, which will be submitted electronically, is the nomination form. The second information collection request does not have an associated form. In this information collection request, each Silver Jackets State Team is provided with a number of votes that they can cast for one or more of the previously nominated teams, and voting is conducted through a website.

Dated: May 4, 2020.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2020–09786 Filed 5–6–20; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID: DOD–2020–OS–0018]**

### Submission for OMB Review; Comment Request

**AGENCY:** Defense Finance and Accounting Service (DFAS), DoD.

**ACTION:** 30-Day information collection notice.

**SUMMARY:** The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by June 8, 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:** Angela James, 571–372–7574, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Physician Certificate for Child Annuitant; DD Form 2828; OMB Control Number 0730–0011.

*Type of Request:* Extension.

*Number of Respondents:* 240.

*Responses per Respondent:* 1.

*Annual Responses:* 240.

*Average Burden per Response:* 2 hours.

*Annual Burden Hours:* 480.

*Needs and Uses:* The information collection requirement is necessary to support an incapacitation occurring prior to age 18. The form provides the authority for the DFAS to establish and pay a Retired Serviceman's Family Protection Plan (RSFPP) or Survivor Benefit Plan (SBP) annuity to the incapacitated individual.

*Affected Public:* Individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

*DOD Clearance Officer:* Ms. Angela James.

Requests for copies of the information collection proposal should be sent to Ms. James at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: May 4, 2020.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2020–09764 Filed 5–6–20; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF EDUCATION

### National Assessment Governing Board

### Virtual Meetings

**AGENCY:** National Assessment Governing Board, U.S. Department of Education.

**ACTION:** Notice.

**SUMMARY:** The National Assessment Governing Board (hereafter referred to as Governing Board) announces two meetings that will be conducted via videoconference. The first videoconference will be held by the Governing Board's Executive Committee on May 14, 2020 and will be closed to the public. The second videoconference will be a meeting of the full Board scheduled on May 15, 2020. This meeting will be open to the public, with visual and audio access. This notice sets forth the agenda for the two meetings and meeting participation guidelines. Notice of the full Board meeting is required under § 10(a)(2) of the Federal Advisory Committee Act (FACA). This notice is published less than 15 days prior to the meetings due to scheduling delays resulting from the pandemic. The COVID–19 impact has required a change in rescheduling the meeting from an in-person meeting to a virtual meeting.

**DATES:** May 14, 2020 Executive Committee Meeting: Closed Session from 3:15 p.m. to 4:30 p.m. Eastern Time (ET).

May 15, 2020 Governing Board Meeting: Open Meeting from 11:00 a.m. to 2:45 p.m. (ET).

**ADDRESSES:** Virtual Meetings.

**FOR FURTHER INFORMATION CONTACT:** Munira Mwalimu, Executive Officer/Designated Federal Official for the Governing Board, 800 North Capitol Street NW, Suite 825, Washington, DC 20002, telephone: (202) 357–6938, fax: (202) 357–6945, email: *Munira.Mwalimu@ed.gov.*

**SUPPLEMENTARY INFORMATION:** *Statutory Authority and Function:* The Governing Board is established under the National Assessment of Educational Progress Authorization Act, Title III of Public Law 107–279. The Governing Board is established to formulate policy for NAEP, which is administered by the National Center for Education Statistics (NCES). The Governing Board's responsibilities include the following: selecting subject areas to be assessed, developing assessment frameworks and specifications, developing appropriate student achievement levels for each grade and subject tested, developing standards and procedures for state and national comparisons, improving the form and use of NAEP, developing guidelines for reporting and disseminating results, and releasing initial NAEP results to the public. Governing Board members serve 4-year terms, subject to renewal for another 4 years, at the discretion of the Secretary of Education.

**Meeting Agenda**

On Thursday, May 14, 2020, the Governing Board's Executive Committee will convene via videoconference in closed session to discuss independent cost estimates related to the impact of the COVID–19 pandemic on NAEP operations and subsequent potential impacts on the NAEP budget and NAEP assessment schedule. The Executive Committee will also receive a briefing from Peggy Carr, Associate Commissioner, NCES, on cost implications which will involve reviewing the government's independent cost estimates for possibly revising the national assessment activities. These discussions may impact current and future NAEP contracts and budgets and must be kept confidential. Public disclosure of this confidential information would significantly impede implementation of the NAEP assessment program if conducted in open session. Such matters are protected by exemption 9(B) of § 552b(c) of Title 5 of the United States Code.

On Friday, May 15, 2020, the Governing Board will convene for an open video conference meeting from 11:00 a.m. to 2:45 p.m. ET. The meeting will begin with Governing Board Chair Haley Barbour's review of the May 15, 2020 quarterly Board meeting agenda, approval of the May meeting agenda, and approval of minutes from the March 5–7, 2020 quarterly meeting. The Governing Board will then discuss and take action on a delegation of authority to the Assessment Development Committee to review and approve the 2025 NAEP Mathematics Item Specifications.

From 11:15 a.m. to 12:30 p.m. ET Peggy Carr, Associate Commissioner, NCES, and Lesley Muldoon, Governing Board Executive Director, will provide a briefing on potential policy implications as a result of the impacts of COVID–19 on NAEP, followed by Governing Board discussion. The Governing Board will recess from 12:30 p.m. to 1:00 p.m. ET.

The meeting will reconvene at 1:00 p.m. ET. Chair Haley Barbour will facilitate discussion on the Board's Strategic Vision 2025. Updates will be provided by four Governing Board member group leaders on work performed to date. This session will end

at 2:30 p.m. ET. The Chair then will provide closing remarks and highlight next steps in the Governing Board's Strategic Vision work. The meeting will adjourn at 2:45 p.m. ET.

*Public Participation:* The May 15, 2020 meeting of the Governing Board is open to the public through advance registration. Public participation is available for the videoconference with view access, along with an audio option for listening. The Governing Board is empowered to conduct the videoconference in a manner that will facilitate the orderly conduct of business and accomplish meeting objectives in a timely manner. A link to the registration page will be posted on the Governing Board' website *https://www.nagb.gov* on May 1, 2020. Members of the public who need additional information on the meeting may contact Munira Mwalimu at the address or telephone number listed above.

*Access to Records of the Meeting:* Pursuant to FACA requirements, the public may inspect the meeting materials for the May 15, 2020 teleconference on the Governing Board's website at *https://www.nagb.gov* three business days prior to May 15, 2020.

*Reasonable Accommodations:* The NAGB website is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), please notify the contact person listed in this notice no later than May 4, 2020. Written comments related to the work of the Governing Board may be submitted electronically or in hard copy to the attention of the Executive Officer/Designated Federal Official (see contact information noted above). Information on the Governing Board and its work can be found at *www.nagb.gov.*

*Electronic Access to this Document:* The official version of this document is the document published in the **Federal Register**. Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* This site allows the public to view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the Adobe website. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, the advanced search feature at this site allow searches to documents published by the Department.

**Authority:** Pub. L. 107–279, Title III—National Assessment of Educational Progress § 301.

**Lesley Muldoon,**

*Executive Director, National Assessment Governing Board (NAGB), U.S. Department of Education.*

[FR Doc. 2020–09718 Filed 5–6–20; 8:45 am]

**BILLING CODE P**

---

## DEPARTMENT OF EDUCATION

### Extension of the Application Deadline Date; Applications for New Awards; Ready To Learn Programming

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice.

**SUMMARY:** On March 16, 2020, we published in the **Federal Register** a notice inviting applications (NIA) for the fiscal year (FY) 2020 Ready to Learn Programming competition, Catalog of Federal Domestic Assistance (CFDA) number 84.295A. The NIA established a deadline date of April 6, 2020 for the notice of intent to apply and of May 15, 2020 for the transmittal of applications. This notice extends the deadline date for the notice of intent to apply until May 15, 2020, the deadline for the transmittal of applications until June 15, 2020, and the deadline for intergovernmental review until August 14, 2020.

**DATES:**

*Deadline for Notice of Intent to Apply:* May 15, 2020.

*Deadline for Transmittal of Applications:* June 15, 2020.

*Deadline for Intergovernmental Review:* August 14, 2020.

**FOR FURTHER INFORMATION CONTACT:** Brian Lekander, U.S. Department of Education, 400 Maryland Avenue SW, Room 3E334, Washington, DC 20202. Telephone: (202) 205–5633. Email: *readytolearn@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** On March 16, 2020, we published the NIA for the FY 2020 Ready to Learn Programming competition in the **Federal Register** (85 FR 14929). We are extending the application deadline date for this competition in order to allow all eligible applicants more time to prepare and submit their applications.

An eligible applicant for the Ready to Learn Programming competition is a public telecommunications entity as defined in the NIA. Additional eligibility requirements are also included in the NIA.

**Note:** All information in the NIA remains the same, except for the deadline date for the transmittal of applications, the deadline for the notice of intent to apply, and the deadline for intergovernmental review. The NIA can be found at: *www.govinfo.gov/content/pkg/FR-2020-03-16/pdf/2020-05357.pdf.* Please also note that *Grants.gov* has relaxed the requirement for applicants to have an active registration in the System for Award Management (SAM) in order to apply for funding during the COVID–19 pandemic. An applicant that does not have an active SAM registration can still register with *Grants.gov*, but must contact the *Grants.gov* Support Desk, toll-free, at 1–800–518–4726, in order to take advantage of this flexibility.

*Program Authority:* Section 4643 of the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 7293.

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Frank T. Brogan,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2020–09799 Filed 5–6–20; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket Nos. EL00–95–291; EL00–98–263]**

### San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange; Notice of Filing

Take notice that on April 22, 2020, the California Parties [1] filed a settlement overlay compliance filing in the above-captioned proceedings. On April 23, 2020, the California Parties filed a motion seeking a comment date of June 8, 2020.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the California Parties.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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.

*Comment Date:* 5:00 p.m. Eastern time on June 8, 2020.

Dated: May 1, 2020.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2020–09752 Filed 5–6–20; 8:45 am]

**BILLING CODE 6717–01–P**

[1] For purposes of the motion, the California Parties are Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, the People of the State of California *ex rel.* Xavier Becerra, Attorney General, the Public Utilities Commission of the State of California, and the California Department of Water Resources.

---

## 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:* ER18–1489–001; ER13–1101–026; ER13–1541–025; ER14–661–016; ER14–787–019; ER15–1475–011; ER15–2593–010; ER15–54–010; ER15–55–010; ER16–1154–008; ER16–1882–003; ER16–452–009; ER16–705–007; ER16–706–007; ER17–2508–002; ER17–252–003; ER17–532–002.

*Applicants:* SP Cimarron I, LLC, Parrey, LLC, Spectrum Nevada Solar, LLC, Campo Verde Solar, LLC, SG2 Imperial Valley LLC, Macho Springs Solar, LLC, Lost Hills Solar, LLC, Blackwell Solar, LLC, North Star Solar, LLC, Desert Stateline LLC, RE Tranquillity LLC, RE Garland A LLC, RE Garland LLC, Boulder Solar Power, LLC, RE Gaskell West 1 LLC, PPA Grand Johanna LLC, 2016 ESA Project Company, LLC.

*Description:* Amendment to June 28, 2019 Triennial Updated Market Power Analysis (Exhibits) for the Southwest Region of the Southern Company Affiliated MBR Sellers.

*Filed Date:* 4/30/20.

*Accession Number:* 20200430–5494.

*Comments Due:* 5 p.m. ET 5/21/20.

*Docket Numbers:* ER19–1240–001; ER19–1241–001; ER19–1242–001.

*Applicants:* Sage Solar I LLC, Sage Solar II LLC, Sage Solar III LLC.

*Description:* Notice of Change in Status filing of Sage Solar I LLC, et al.

*Filed Date:* 4/30/20.

*Accession Number:* 20200430–5496.

*Comments Due:* 5 p.m. ET 5/21/20.

*Docket Numbers:* ER20–1741–000.

*Applicants:* Florida Power & Light Company.

*Description:* § 205(d) Rate Filing: FPL Amendments to Open Access Transmission Tariff to be effective 12/31/9998.

*Filed Date:* 5/1/20.

*Accession Number:* 20200501–5282.

*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Numbers:* ER20–1742–000.

*Applicants:* San Diego Gas & Electric Company.

*Description:* Compliance filing: Order No. 864 Compliance Filing to be effective 1/27/2020.

*Filed Date:* 5/1/20.

*Accession Number:* 20200501–5285.

*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Numbers:* ER20–1743–000.

*Applicants:* Gulf Power Company.

*Description:* § 205(d) Rate Filing: Amendments to Open Access Transmission Tariff to be effective 12/31/9998.

*Filed Date:* 5/1/20.

*Accession Number:* 20200501–5286.

*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Numbers:* ER20–1744–000.

*Applicants:* Florida Power & Light Company.

*Description:* § 205(d) Rate Filing: FPL and LCEC Amendments to Rate Schedule FERC No. 317 to be effective 12/31/9998.

*Filed Date:* 5/1/20.

*Accession Number:* 20200501–5289.

*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Numbers:* ER20–1745–000.

*Applicants:* Florida Power & Light Company.

*Description:* § 205(d) Rate Filing: FPL and FKEC Amendments to Rate Schedule FERC No. 322 to be effective 12/31/9998.

*Filed Date:* 5/1/20.

*Accession Number:* 20200501–5292.

*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Numbers:* ER20–1746–000.

*Applicants:* GridLiance West LLC.

*Description:* Compliance filing: GridLiance West Order No. 864 Compliance Filing to be effective 1/27/2020.

*Filed Date:* 5/1/20.

*Accession Number:* 20200501–5296.

*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Numbers:* ER20–1747–000.

*Applicants:* South Fork Wind, LLC.

*Description:* Baseline eTariff Filing: South Fork MBR Tariff Filing to be effective 5/1/2020.

*Filed Date:* 5/1/20.

*Accession Number:* 20200501–5305.

*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Numbers:* ER20–1748–000.

*Applicants:* Ewington Energy Systems, LLC.

*Description:* Baseline eTariff Filing: Ewington Energy MBR Tariff Filing to be effective 5/1/2020.

*Filed Date:* 5/1/20.

*Accession Number:* 20200501–5306.

*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Numbers:* ER20–1749–000.

*Applicants:* Pacific Gas and Electric Company.

*Description:* Tariff Cancellation: Notice of Termination Vistra Energy E&P Agreement (SA 2100 EP–24) to be effective 7/1/2020.

*Filed Date:* 5/1/20.

*Accession Number:* 20200501–5307.

*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Numbers:* ER20–1750–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: Roughrider Electric Cooperative, Inc. Formula Rate to be effective 7/1/2020.

*Filed Date:* 5/1/20.

*Accession Number:* 20200501–5312.

*Comments Due:* 5 p.m. ET 5/22/20.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES20–34–000; ES20–35–000; ES20–36–000. ES20–37–000; ES20–38–000; ES20–39–000.

*Applicants:* Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy Mississippi, LLC, Entergy New Orleans, LLC, Entergy Texas, Inc., System Energy Resources, Inc.

*Description:* Joint Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Entergy Arkansas, LLC, et al.

*Filed Date:* 4/30/20.

*Accession Number:* 20200430–5491.

*Comments Due:* 5 p.m. ET 5/21/20.

Take notice that the Commission received the following public utility holding company filings:

*Docket Numbers:* PH20–10–000.

*Applicants:* Riverstone Management Group, L.L.C., Riverstone Holdings LLC.

*Description:* Riverstone Management Group, L.L.C. et al. submits FERC 65–B Updated Waiver Notification.

*Filed Date:* 4/30/20.

*Accession Number:* 20200430–5488.

*Comments Due:* 5 p.m. ET 5/21/20.

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: May 1, 2020.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2020–09759 Filed 5–6–20; 8:45 am]

**BILLING CODE 6717–01–P**

---

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER20–588–000]**

### Midcontinent Independent System Operator, Inc.; Supplemental Notice of Technical Conference

By order dated March 10, 2020,[1] the Commission directed staff to convene a technical conference regarding Midcontinent Independent System Operator, Inc.'s (MISO) filing of proposed revisions to its Open Access Transmission, Energy and Operating Reserve Markets Tariff to allow for the selection of a storage facility as a transmission-only asset (SATOA) in the MISO Transmission Expansion Plan (MTEP). The technical conference will explore issues including, but not limited to, MISO's proposed evaluation and selection criteria for SATOAs, the SATOA's market activities and any potential wholesale market impacts of those activities, how MISO's current formula rate structure accommodates cost recovery for SATOAs, a SATOA's potential effects on the generator interconnection queue, and operating guides that will apply to a SATOA.[2]

As announced in the Notice of Technical Conference issued on April 10, 2020, the Commission will hold this staff-led technical conference on Monday, May 4, 2020, between 9:00 a.m. and 5:00 p.m. (Eastern Time). As explained in the April 10, 2020 notice, the conference will be held remotely. Questions that will be discussed at the technical conference were also included in the April 10, 2020 notice.

The conference will include discussions between Commission staff and MISO. Commissioners may also participate in the technical conference. If time permits, there may be an opportunity for parties that are participating in the conference to ask questions or provide comments. The technical conference will not be transcribed.

The agenda (attached to this Notice) and information on joining the technical conference is posted on the Events Calendar available at *https://www.ferc.gov/EventCalendar/EventsList.aspx?View=listview.*

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY); or send a fax to 202–208–2106 with the required accommodations.

Following the technical conference, the Commission will consider post-technical conference comments submitted on or before May 25, 2020. The written comments will be included in the formal record of the proceeding, which, together with the record developed to date, will form the basis for further Commission action.

For more information about this technical conference, please contact Mark Byrd, 202–502–8071, *mark.byrd@ferc.gov.* For information related to logistics, please contact Sarah McKinley, 202–502–8368, *sarah.mckinley@ferc.gov.*

Dated: May 1, 2020.

**Kimberly D. Bose,**

*Secretary.*

### Storage as a Transmission-Only Asset (SATOA) in MISO

### Technical Conference—Webex Teleconference

*Monday, May 4, 2020*

9:00 a.m.–5:00 p.m.

9:00 a.m.–10:30 a.m. Evaluation and Selection Criteria for SATOA
- Identified Transmission System performance requirement
- Unique Characteristics or Circumstances
- Functioning as SATOA Compared to Market Participant

10:30 a.m.–10:45 a.m. Break

10:45 a.m.–11:30 a.m. Evaluation and Selection Criteria for SATOA (continued)
- Traditional Transmission Project compared to SATOA
- SATOA Evaluation Criteria
- Communication of Decision Approving a SATOA

11:30 a.m.–12:45 p.m. SATOA Market Activities and Market Impacts

---

[1] *Midcontinent Indep. Sys. Operator, Inc.,* 170 FERC 61,186 (2020).

[2] *Id.* P 56.

- Meaning of ''Functional Control''
- Impact of SATOA Activity on Wholesale Market
- Information Regarding Market Participant

12:45 p.m.–1:30 p.m. Lunch

1:30 p.m.–2:15 p.m. Cost Recovery for SATOAs

- Formula Rate Structure

2:15 p.m.–3:30 p.m. Impact on the Generator Interconnection Queue

- Assessing the Impact of a SATOA on Newly Interconnecting Generating Resources
- Assessment of Delays and Mitigation

3:30 p.m.–3:45 p.m. Break

3:45 p.m.–4:15 p.m. Operating Guides

- Information in Operating Guides

4:15 p.m.–5:00 p.m. Miscellaneous

- Emergency Conditions
- Reliability Impacts

[FR Doc. 2020–09751 Filed 5–6–20; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 13–039]**

### Green Island Power Authority and Albany Engineering Corporation; Notice of Application Accepted for Filing, Intent To Prepare an Environmental Assessment and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of license.

b. *Project No:* 13–039.

c. *Date Filed:* April 8, 2020.

d. *Applicant:* Green Island Power Authority and Albany Engineering Corp.

e. *Name of Project:* Green Island Project.

f. *Location:* The project is located on the Hudson River in Albany County, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Wendy Jo Carey, P.E., 5 Washington Square, Albany, NY 12205, (518) 456–7712 email: *wendy@albanyengineering.com.*

i. *FERC Contact:* Joseph Enrico, (212) 273–5917, *joseph.enrico@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* June 15, 2020.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–13–039. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The licensee proposes to amend the project license to remove the expansion of the forebay and existing powerhouse expansion on its east and west sides to accommodate four new 6.0 megawatt (MW) generating units; remove from the project license four new replacement 6.0 MW generating units in the existing powerhouse; remove from the project license construction of new hydraulically operated crest gates along the top of the main spillway and maintain the existing fixed crest of the main spillway at the existing 14.33 feet MSL; remove from the project license construction of a new bulkhead structure and reconfiguration of the auxiliary spillway; construct the new downstream fish exclusion screen, new downstream fish passage facility, and new plunge pool in and adjacent to the existing forebay; relocate construction of a new trash boom extending across and upstream of the forebay; install new pneumatic flashboards, four feet in height, on the main spillway and relocate the existing pneumatic flashboards, two feet in height, to the auxiliary spillway to maintain the authorized operating level of 18.33 feet MSL; remove from the project license construction of two new Denil fishways and replace with two fish lifts for upstream fish passage. The licensee does not propose any changes to the project's existing operating regime. In addition, recreation improvements in Article 412 were to be constructed in conjunction with the full expansion of the project; these improvements are not applicable for the proposed amendment. The request proposes amending Article 412 to require improvements to the shoreline from the tailrace to River Park for fishing and other river access activities, construction of an informational kiosk in River Park, and specific improvements to Paine Street Park. These enhancements were requested by the Town and Village of Green Island and the licensee included them as part of its proposal.

l. This application has been accepted for filing and is now ready for environmental analysis. Based on a review of the application and resource agency consultation letters including comments filed to date, Commission staff intends to prepare a single environmental assessment (EA). Commission staff determined that the issues that need to be addressed in its EA have been adequately identified during the pre-filing period, and no new issues are likely to be identified through additional scoping. The EA will consider assessing the potential effects of project operation on aquatic, terrestrial, threatened and endangered species, water quality and quantity, recreation, and cultural and historic resources.

m. 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.

n. The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street

NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: May 1, 2020.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2020–09750 Filed 5–6–20; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Number:* EG20–143–000.
*Applicants:* Cimarron Bend Wind Project III, LLC.
*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Cimarron Bend Wind Project III, LLC.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5322.
*Comments Due:* 5 p.m. ET 5/21/20.

*Docket Number:* EG20–144–000.
*Applicants:* Aurora Wind Project, LLC.
*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Aurora Wind Project, LLC.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5327.
*Comments Due:* 5 p.m. ET 5/21/2.

*Docket Number:* EG20–145–000.
*Applicants:* Taygete Energy Project, LLC.
*Description:* Self-Certification of Taygete Energy Project, LLC.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5357.
*Comments Due:* 5 p.m. ET 5/21/20.

Take notice that the Commission received the following electric rate filings:

*Docket Number:* ER19–1902–002.
*Applicants:* Deseret Generation & Transmission Co-operative, Inc.
*Description:* Compliance filing: ER19–1902 Compliance Filing to be effective 5/20/2019.
*Filed Date:* 5/1/20.
*Accession Number:* 20200501–5253.
*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Number:* ER19–2376–001.
*Applicants:* Deseret Generation & Transmission Co-operative, Inc.
*Description:* Compliance filing: ER19–1902 Compliance Filing to be effective 5/20/2019.
*Filed Date:* 5/1/20.
*Accession Number:* 20200501–5248.
*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Numbers:* ER20–1436–001; ER20–1437–001; ER20–1438–001; ER20–879–001.
*Applicants:* Energy Harbor LLC, Energy Harbor Generation LLC, Energy Harbor Nuclear Generation LLC, Pleasants LLC.
*Description:* Notification of Change in Status of Energy Harbor LLC, et al.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5486.
*Comments Due:* 5 p.m. ET 5/21/20.

*Docket Number:* ER20–1681–001.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* Tariff Amendment: Errata to Amendment of ISA, Service Agreement No. 4511; Queue No. AB1–127 to be effective 7/13/2016.
*Filed Date:* 5/1/20.
*Accession Number:* 20200501–5041.
*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Number:* ER20–1724–000.
*Applicants:* Midcontinent Independent System Operator, Inc.
*Description:* § 205(d) Rate Filing: 2020–04–30_Regional Cost Allocation Filing to be effective 7/29/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5333.
*Comments Due:* 5 p.m. ET 6/1/20.

*Docket Number:* ER20–1725–000.
*Applicants:* Portland General Electric Company.
*Description:* § 205(d) Rate Filing: NTTG Funding Agreement Termination to be effective 4/30/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5363.
*Comments Due:* 5 p.m. ET 5/21/20.

*Docket Number:* ER20–1726–000.
*Applicants:* Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy Mississippi, LLC, Entergy New Orleans, LLC, Entergy Texas, Inc.
*Description:* Annual Informational Filing regarding Prepaid Pension Cost and Accrued Pension Cost of Entergy Arkansas, LLC, et al.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5455.
*Comments Due:* 5 p.m. ET 5/21/20.

*Docket Number:* ER20–1727–000.
*Applicants:* Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy Mississippi, LLC, Entergy New Orleans, LLC, Entergy Texas, Inc.
*Description:* Post-Retirement Benefits Other than Pensions for 2019 Test Year of Entergy Arkansas, LLC, et al.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5461.
*Comments Due:* 5 p.m. ET 5/21/20.

*Docket Number:* ER20–1729–000.
*Applicants:* ITC Midwest LLC.
*Description:* § 205(d) Rate Filing: Filing of Master JUA with Prairie Energy to be effective 7/1/2020.
*Filed Date:* 5/1/20.
*Accession Number:* 20200501–5043.
*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Number:* ER20–1730–000.
*Applicants:* NorthWestern Corporation.
*Description:* Tariff Cancellation: RS 253—Notice of Termination of NTTG Funding Agreement to be effective 4/30/2020.
*Filed Date:* 5/1/20.
*Accession Number:* 20200501–5052.
*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Number:* ER20–1731–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* § 205(d) Rate Filing: Membership Agreement Amendments for Roughrider Electric Cooperative, Inc. to be effective 4/30/2020.
*Filed Date:* 5/1/20.
*Accession Number:* 20200501–5067.
*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Number:* ER20–1732–000.
*Applicants:* Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

*Description:* § 205(d) Rate Filing: 2020–05–01_SA 3028 Ameren IL—Prairie Power Project#26 SREC–N of Fairview, IL to be effective 7/1/2020.
*Filed Date:* 5/1/20.
*Accession Number:* 20200501–5074.
*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Number:* ER20–1733–000.
*Applicants:* Alabama Power Company.
*Description:* § 205(d) Rate Filing: Attachment S (GPCo) Updated Depreciation Rates Filing 2020 to be effective 1/1/2020.
*Filed Date:* 5/1/20.
*Accession Number:* 20200501–5091.
*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Number:* ER20–1734–000.
*Applicants:* Alabama Power Company.
*Description:* Compliance filing: Order No. 864 OATT Compliance Filing to be effective 1/27/2020.
*Filed Date:* 5/1/20.
*Accession Number:* 20200501–5098.
*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Number:* ER20–1735–000.
*Applicants:* Alabama Power Company.
*Description:* Compliance filing: Order No. 864 TFCAT and Related Gulf TFCAT Service Agreements Compliance Filing to be effective 1/27/2020.
*Filed Date:* 5/1/20.
*Accession Number:* 20200501–5104.
*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Number:* ER20–1736–000.
*Applicants:* Emera Maine.
*Description:* Compliance filing: Changes to Attachment J—Formula Rates per Order No. 864 to be effective 6/1/2020.
*Filed Date:* 5/1/20.
*Accession Number:* 20200501–5178.
*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Number:* ER20–1737–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* § 205(d) Rate Filing: 1st Quarterly 2020 Revisions to OA, Sch. 12 and RAA, Sch. 17 Members List to be effective 3/31/2020.
*Filed Date:* 5/1/20.
*Accession Number:* 20200501–5210.
*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Number:* ER20–1738–000.
*Applicants:* City of Anaheim, California.
*Description:* § 205(d) Rate Filing: City of Anaheim TO Tariff and TRR Revisions to be effective 7/1/2020.
*Filed Date:* 5/1/20.
*Accession Number:* 20200501–5232.
*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Number:* ER20–1739–000.
*Applicants:* American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.
*Description:* Compliance filing: ATSI submits Revisions to PJM Tariff, Att. H–21 re: Order 864 to be effective 1/27/2020.
*Filed Date:* 5/1/20.
*Accession Number:* 20200501–5245.
*Comments Due:* 5 p.m. ET 5/22/20.

*Docket Number:* ER20–1740–000.
*Applicants:* American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.
*Description:* § 205(d) Rate Filing: ATSI submits Revisions to OATT, Att. H–21 and Att. II to be effective 7/1/2020.
*Filed Date:* 5/1/20.
*Accession Number:* 20200501–5252.
*Comments Due:* 5 p.m. ET 5/22/20.

Take notice that the Commission received the following electric securities filings:

*Docket Number:* ES20–33–000.
*Applicants:* The Empire District Electric Company.
*Description:* Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities, et al. of The Empire District Electric Company.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5456.
*Comments Due:* 5 p.m. ET 5/5/20.

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: May 1, 2020.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2020–09757 Filed 5–6–20; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

*Docket Number:* PR20–55–000.
*Applicants:* The East Ohio Gas Company.
*Description:* Tariff filing per 284.123(b),(e)/: Operating Statement of The East Ohio Gas Company 4–30–2020 to be effective 4/1/2020.
*Filed Date:* 4/30/2020.
*Accession Number:* 202004305328.
*Comments/Protests Due:* 5 p.m. ET 5/21/2020.

*Docket Numbers:* RP20–773–001.
*Applicants:* Leaf River Energy Center LLC.
*Description:* Tariff Amendment: Leaf River Energy Amended Filing to be effective 5/6/2020.
*Filed Date:* 4/24/20.
*Accession Number:* 20200424–5094.
*Comments Due:* 5 p.m. ET 5/6/20.

*Docket Numbers:* RP18–1126–005.
*Applicants:* Transcontinental Gas Pipe Line Company, LLC.
*Description:* Compliance filing Supplement to RP18–1126 Stipulation and Agreement Tariff Record Filing to be effective 6/1/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5304.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–823–000.
*Applicants:* Algonquin Gas Transmission, LLC.
*Description:* § 4(d) Rate Filing: Negotiated Rates—Boston Gas 510798 Releases eff 5–1–2020 to be effective 5/1/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5002.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–824–000.
*Applicants:* Tallgrass Interstate Gas Transmission, LLC.
*Description:* § 4(d) Rate Filing: TIGT 2020–04–30 Negotiated Rate Agreement to be effective 5/1/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5003.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–825–000.
*Applicants:* Gulf South Pipeline Company, LLC.
*Description:* § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta Gas 8438 releases eff 5–1–2020) to be effective 5/1/2020.
*Filed Date:* 4/30/20.

*Accession Number:* 20200430–5018.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–826–000.
*Applicants:* Texas Eastern Transmission, LP.
*Description:* § 4(d) Rate Filing: Negotiated Rate—Eco-Energy 8963215 eff 5–1–20 to be effective 5/1/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5047.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–827–000.
*Applicants:* Texas Eastern Transmission, LP.
*Description:* § 4(d) Rate Filing: Negotiated Rates—EQT 8963370, 8963371 & Eco 8963607 eff 5–1–20 to be effective 5/1/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5057.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–831–000.
*Applicants:* Transcontinental Gas Pipe Line Company, LLC.
*Description:* § 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—May 2020 to be effective 5/1/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5092.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–832–000.
*Applicants:* Florida Southeast Connection, LLC.
*Description:* § 4(d) Rate Filing: Negotiated Rate Agreement Filing-FPUC 5001 to be effective 6/1/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5096.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–833–000.
*Applicants:* Rockies Express Pipeline LLC.
*Description:* § 4(d) Rate Filing: REX 2020–04–30 Non-Conforming Negotiated Rate Amendment to be effective 5/1/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5106.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–834–000.
*Applicants:* Northern Natural Gas Company.
*Description:* § 4(d) Rate Filing: 20200430 Negotiated Rate to be effective 5/1/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5110.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–835–000.
*Applicants:* NEXUS Gas Transmission, LLC.
*Description:* § 4(d) Rate Filing: Negotiated Rates—Columbia Gas 860005 5–1–2020 Releases to be effective 5/1/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5169.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–836–000.
*Applicants:* Texas Eastern Transmission, LP.
*Description:* § 4(d) Rate Filing: Negotiated Rate—NRG Power 910616 to be effective 5/1/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5170.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–837–000.
*Applicants:* ANR Pipeline Company.
*Description:* Compliance filing Cashout Surcharge 2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5173.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–838–000.
*Applicants:* El Paso Natural Gas Company, L.L.C.
*Description:* § 4(d) Rate Filing: Negotiated Rate Agreement Update (APS May 2020) to be effective 5/1/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5186.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–839–000.
*Applicants:* Texas Eastern Transmission, LP.
*Description:* § 4(d) Rate Filing: TETLP Interim ASA Compliance Filing—RP19–343–006 to be effective 6/1/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5198.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–840–000.
*Applicants:* Rockies Express Pipeline LLC.
*Description:* § 4(d) Rate Filing: REX 2020–04–30 Negotiated Rate Agreements to be effective 5/1/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5283.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–841–000.
*Applicants:* Millennium Pipeline Company, LLC.
*Description:* § 4(d) Rate Filing: Negotiated & Non-Conforming Rate Amd—Combine Boston to be effective 6/1/2020.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5313.
*Comments Due:* 5 p.m. ET 5/12/20.

*Docket Numbers:* RP20–845–000.
*Applicants:* Florida Southeast Connection, LLC.
*Description:* Annual System Balancing Adjustment Filing of Florida Southeast Connection, LLC under RP20–845.
*Filed Date:* 4/30/20.
*Accession Number:* 20200430–5454.
*Comments Due:* 5 p.m. ET 5/12/20.

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: May 1, 2020.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2020–09767 Filed 5–6–20; 8:45 am]

**BILLING CODE 6717–01–P**

---

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. EF20–1–000]**

### Western Area Power Administration; Notice of Filing

Take notice that on February 13, 2020, Western Area Power Administration submitted tariff filing per: Formula Rate for Rate Order No. WAPA–189, to be effective April 1, 2020 through March 31, 2025.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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.

*Comment Date:* 5:00 p.m. Eastern Time on May 18, 2020.

Dated: May 1, 2020.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2020–09756 Filed 5–6–20; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–10009–16–ORD]**

## Ambient Air Monitoring Reference and Equivalent Methods; Designation of One New Equivalent Method

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of the designation of a new equivalent method for monitoring ambient air quality.

**SUMMARY:** Notice is hereby given that the Environmental Protection Agency (EPA) has designated one new equivalent method for measuring concentrations of nitrogen dioxide ($NO_2$) in ambient air.

**FOR FURTHER INFORMATION CONTACT:** Robert Vanderpool, Air Methods and Characterization Division (MD–D205–03), Center for Environmental Measurements and Modeling, U.S. EPA, Research Triangle Park, North Carolina 27711. Phone: 919–541–7877. Email: *Vanderpool.Robert@epa.gov.*

**SUPPLEMENTARY INFORMATION:** In accordance with regulations at 40 CFR part 53, the EPA evaluates various methods for monitoring the concentrations of those ambient air pollutants for which EPA has established National Ambient Air Quality Standards (NAAQS) as set forth in 40 CFR part 50. Monitoring methods that are determined to meet specific requirements for adequacy are designated by the EPA as either reference or equivalent methods (as applicable), thereby permitting their use under 40 CFR part 58 by States and other agencies for determining compliance with the NAAQS. A list of all reference or equivalent methods that have been previously designated by EPA may be found at *http://www.epa.gov/ttn/amtic/criteria.html.*

The EPA hereby announces the designation of one new equivalent method for measuring concentrations of $NO_2$ in ambient air. This designation is made under the provisions of 40 CFR part 53, as amended on October 26, 2015(80 FR 65291–65468).

The new equivalent method for $NO_2$ is an automated method (analyzer) utilizing the measurement principle based on cavity-attenuated phase-shift (CAPS) spectroscopy. This newly designated equivalent method is identified as follows:

EQNA–0320–256, ''Teledyne Advanced Pollution Instrumentation, Model N500 Cavity-Attenuated Phase-Shift (CAPS) spectroscopy Nitrogen Oxides Analyzer'', operated on any full scale range between 0–0.5 ppm, at any operating temperature from 0 °C to 40 °C, with a sample particulate filter and in accordance with the Model N500 CAPS $NO_X$ Analyzer User Manual, and with or without any of the following options: Zero/Span valves, internal Zero/Span permeation oven (IZS), Analog Output expansion board, Digital I/O expansion board, external communication and data monitoring interfaces; and the NumaView™ software. Note 2 applies to the Teledyne Advanced Pollution Instrumentation, Model N500.

This application for an equivalent method determination for this $NO_2$ method was received by the Office of Research and Development on January 21, 2020. This analyzer is commercially available from the applicant, Teledyne API, 9970 Carroll Canyon Road, San Diego, CA 92131.

A representative test analyzer was tested in accordance with the applicable test procedures specified in 40 CFR part 53, as amended on October 26, 2015. After reviewing the results of those tests and other information submitted by the applicant, EPA has determined, in accordance with part 53, that this method should be designated as an equivalent method.

As a designated equivalent method, this method is acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, this method must be used in strict accordance with the operation or instruction manual associated with the method and subject to any specifications and limitations (*e.g.,* configuration or operational settings) specified in the designated method description (see the identification of the method above).

Use of the method also should be in general accordance with the guidance and recommendations of applicable sections of the ''Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I,'' EPA/600/R–94/038a and ''Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Quality Monitoring Program,'' EPA–454/B–13–003, (both available at *http://www.epa.gov/ttn/amtic/qalist.html*). Provisions concerning modification of such methods by users are specified under Section 2.8 (Modifications of Methods by Users) of Appendix C to 40 CFR part 58.

Consistent or repeated noncompliance with any of these conditions should be reported to: Director, Air Methods and Characterization Division (MD–D205–03), Center for Environmental Measurements and Modeling, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this equivalent method is intended to assist the States in establishing and operating their air quality surveillance systems under 40 CFR part 58. Questions concerning the commercial availability or technical aspects of the method should be directed to the applicant.

Dated: May 1, 2020.

**Timothy Watkins,**

*Director, Center for Environmental Measurements and Modeling.*

[FR Doc. 2020–09704 Filed 5–6–20; 8:45 am]

**BILLING CODE 6560–50–P**

## FARM CREDIT ADMINISTRATION

## Sunshine Act Meeting Board

**AGENCY:** Farm Credit Administration.

**ACTION:** Notice, regular meeting.

**SUMMARY:** Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. Sec. 552b(e)(1)),

of the forthcoming regular meeting of the Farm Credit Administration Board.

**DATES:** The regular meeting of the Board will be held May 14, 2020, from 9:00 a.m. until such time as the Board may conclude its business. *Note: Because of the COVID–19 pandemic, we will conduct the board meeting virtually. If you would like to observe the open portion of the virtual meeting, see instructions below for board meeting visitors.*

*Attendance:* To observe the open portion of the virtual meeting, go to *FCA.gov,* select ''Newsroom,'' then ''Events.'' There you will find a description of the meeting and a link to ''Instructions for board meeting visitors.'' See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

**FOR FURTHER INFORMATION CONTACT:** Dale Aultman, Secretary to the Farm Credit Administration Board (703) 883–4009. TTY is (703) 883–4056.

**SUPPLEMENTARY INFORMATION:** Parts of this meeting of the Board will be open to the public, and parts will be closed. If you wish to observe the open portion, follow the instructions above in the ''Attendance'' section at least 24 hours before the meeting. If you need assistance for accessibility reasons if you have any questions, contact Dale Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are as follows:

**Open Session**

A. *Approval of Minutes*

- April 16, 2020

B. *Reports*

- Farm Credit System Building Association Auditor's Report on 2019 Financial Audit
- Funding Corporation Activities
- Paycheck Protection Program

**Closed Session**

- Office of Secondary Market Oversight Periodic Report [1]
- Executive Session—FCS Building Association Auditor's Report [2]

Dated: May 4, 2020.

**Dale Aultman,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 2020–09858 Filed 5–5–20; 11:15 am]

**BILLING CODE 6705–01–P**

[1] Session Closed-exempt pursuant to 5 U.S.C. Section 552b(c)(8) and (9).

[2] Session Closed-exempt pursuant to 5 U.S.C. Section 552b(c)(2).

## FEDERAL COMMUNICATIONS COMMISSION

**[3060–0056; FRS 16698]**

### Information Collection Being Submitted for Review and Approval to Office of Management and Budget

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written comments and recommendations for the proposed information collection should be submitted on or before June 8, 2020.

**ADDRESSES:** Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

**SUPPLEMENTARY INFORMATION:** As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

*OMB Control Number:* 3060–0056.

*Title:* Part 68, Connection of Terminal Equipment to the Telephone Network.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents and Responses:* 41,403 respondents; 44,543 responses.

*Estimated Time per Response:* 0.25 hours–40 hours.

*Frequency of Response:* On occasion reporting requirement, third party disclosure requirement, and recordkeeping requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 201–205 and 303(r).

*Total Annual Burden:* 12,870 hours.

*Total Annual Cost:* $508,250.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* Part 68 rules do not require respondents to provide proprietary, trade secret or other confidential information to the Commission. If the FCC requests that respondents submit information which respondents believe is confidential, respondents may request confidential treatment of such information pursuant to Section 0.459 of the FCC's rules, 47 CFR 0.459.

*Needs and Uses:* The purpose of 47 CFR part 68 is to protect the telephone network from certain types of harm and prevent interference to subscribers. To (1) demonstrate that terminal equipment complies with criteria for protecting the network and (2) ensure that consumers, providers of telecommunications, the Commission and others are able to trace products to the party responsible for ensuring compliance with these criteria; it is essential to require manufacturers or other responsible parties to provide the information required by Part 68. In addition, incumbent local exchange carriers must provide the information in Part 68 to warn their subscribers of impending disconnection of service when subscriber terminal equipment is causing telephone network harm, and to inform subscribers of a change in network facilities that requires modification or alteration of subscribers' terminal equipment.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2020–09742 Filed 5–6–20; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Termination of Receivership

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for the following insured depository institution, was charged with the duty of winding up the affairs of the former institution and liquidating all related assets. The Receiver has fulfilled its obligations and made all dividend distributions required by law.

NOTICE OF TERMINATION OF RECEIVERSHIP

| Fund | Receivership name | City | State | Termination date |
|---|---|---|---|---|
| 10518 | North Milwaukee State Bank | Milwaukee | WI | 5/1/2020 |

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary, including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective on the termination date listed above, the Receivership has been terminated, the Receiver has been discharged, and the Receivership has ceased to exist as a legal entity.

(Authority: 12 U.S.C. 1819)

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on May 4, 2020.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 2020–09735 Filed 5–6–20; 8:45 am]

BILLING CODE 6714–01–P

## FEDERAL ELECTION COMMISSION

### Sunshine Act Meeting

**TIME AND DATE:** Tuesday, May 12, 2020 at 10:00 a.m.

**PLACE:** 1050 First Street NE, Washington, DC. (This meeting will be a virtual meeting.)

**STATUS:** This meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** Compliance matters pursuant to 52 U.S.C. 30109.

Matters relating to internal personnel decisions, or internal rules and practices.

Investigatory records compiled for law enforcement purposes and production would disclose investigative techniques.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

**CONTACT PERSON FOR MORE INFORMATION:** Judith Ingram, Press Officer, Telephone: (202) 694–1220.

**Vicktoria J. Allen,**

*Acting Deputy Secretary of the Commission.*

[FR Doc. 2020–09935 Filed 5–5–20; 4:15 pm]

BILLING CODE 6715–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Agency for Healthcare Research and Quality, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''*AHRQ Research Reporting System (ARRS).*'' This proposed information collection was previously published in the **Federal Register** on Page 12562, March 3, 2020, and allowed 60 days for public comment. AHRQ did not received comments from the public during this period. The purpose of this notice is to allow an additional 30 days for public comment.

**DATES:** Comments on this notice must be received by 30 days after date of publication of this notice.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain* . Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

**SUPPLEMENTARY INFORMATION:**

**Proposed Project**

**AHRQ Research Reporting System (ARRS)**

AHRQ has developed a systematic method for its grantees to report project progress and important preliminary findings for grants funded by the Agency. This system, the AHRQ Research Reporting System (ARRS), previously known as the Grants Reporting System (GRS), was last approved by OMB on May 22, 2017. The system addressed the shortfalls in the previous reporting process and established a consistent and comprehensive grants reporting solution for AHRQ. The ARRS provides a centralized repository of grants research progress and additional information that can be used to support initiatives within the Agency. This includes future research planning and support to administration activities such as performance monitoring, budgeting, knowledge transfer as well as strategic planning.

This Project has the following goals:

(1) To promote the transfer of critical information more frequently and efficiently and enhance the Agency's ability to support research designed to improve the outcomes and quality of health care, reduce its costs, and broaden access to effective services.

(2) To increase the efficiency of the Agency in responding to ad-hoc information requests.

(3) To support Executive Branch requirements for increased transparency and public reporting.

(4) To establish a consistent approach throughout the Agency for information collection regarding grant progress and a systematic basis for oversight and for facilitating potential collaborations among grantees.

(5) To decrease the inconvenience and burden on grantees of unanticipated ad-hoc requests for information by the Agency in response to particular (one-time) internal and external requests for information.

This study is being conducted by AHRQ pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the quality, effectiveness, efficiency, appropriateness and value of healthcare services and with respect to quality measurement and improvement. 42 U.S.C. 299a(a)(1) and (2).

**Method of Collection**

To achieve the goals of this project the following data collections will be implemented:

AHRQ Research Reporting System (ARRS)—Grantees and vendors use the ARRS system to report project progress and important preliminary findings for grants and contracts funded by the Agency. Grantees and vendors submit progress reports on a monthly or quarterly basis which are reviewed by AHRQ personnel. All users access the ARRS system through a secure online interface which requires a user I.D. and password entered through the ARRS login screen. When status reports are due AHRQ notifies principal investigators and vendors via email.

The ARRS is an automated user-friendly resource that is utilized by AHRQ staff for preparing, distributing, and reviewing reporting requests to grantees and vendors for the purpose of information sharing. AHRQ personnel are able to systematically search on the information collected and stored in the ARRS database. Personnel will also use the information to address internal and/or external requests for information regarding grant progress, preliminary findings, and other requests, such as Freedom of Information Act requests, and producing responses related to federally mandated programs and regulations.

**Estimated Annual Respondent Burden**

Exhibit 1 shows the estimated annualized burden hours for the respondents. It will take grantees an estimated 15 minutes to enter the necessary data into the ARRS System and reporting will occur four times annually. The total annualized burden hours are estimated to be 500 hours.

Exhibit 2 shows the estimated annualized cost burden for the respondents. The total estimated cost burden for respondents is $19,710.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

| Form name | Number of respondents | Number of responses per respondent | Hours per response | Total burden hours |
|---|---|---|---|---|
| Data entry into ARRS | 500 | 4 | 15/60 | 500 |
| Total | 500 | N/A | N/A | 500 |

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

| Form name | Number of respondents | Total burden hours | Average hourly wage rate * | Total cost burden |
|---|---|---|---|---|
| Data entry into ARRS | 500 | 500 | $39.42 | $19,710 |
| Total | 500 | 500 | N/A | 19,710 |

* Based upon the average wages for Healthcare Practitioner and Technical Occupations (29–0000), ''National Compensation Survey: Occupational Wages in the United States, May 2015,'' U.S. Department of Labor, Bureau of Labor Statistics, *http://www.bls.gov/oes/current/oes_nat.htm#29–0000.*

**Request for Comments**

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the

collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: May 1, 2020.

**Virginia L. Mackay-Smith,**

*Associate Director.*

[FR Doc. 2020–09725 Filed 5–6–20; 8:45 am]

**BILLING CODE 4160–90–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Agency for Healthcare Research and Quality, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project ''*Medical Expenditure Panel Survey (MEPS) Social and Health Experiences Self-Administered Questionnaire.*''

**DATES:** Comments on this notice must be received by 60 days after date of publication of this notice.

**ADDRESSES:** Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

**FOR FURTHER INFORMATION CONTACT:** Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by emails at *doris.lefkowitz@AHRQ.hhs.gov.*

**SUPPLEMENTARY INFORMATION:**

**Proposed Project**

**''Medical Expenditure Panel Survey (MEPS) Social and Health Experiences Self-Administered Questionnaire.''**

The Medical Expenditure Panel Survey (MEPS) consists of the following three components and has been conducted annually since 1996:

- *Household Component:* A sample of households participating in the National Health Interview Survey (NHIS) in the prior calendar year are interviewed 5 times over a 2 and one-half (2.5) year period. These 5 interviews yield two years of information on use of, and expenditures for, health care, sources of payment for that health care, insurance status, employment, health status and health care quality.
- *Medical Provider Component:* The MEPS–MPC collects information from medical and financial records maintained by hospitals, physicians, pharmacies and home health agencies named as sources of care by household respondents.
- *Insurance Component (MEPS–IC):* The MEPS–IC collects information on establishment characteristics, insurance offerings and premiums from employers. The MEPS–IC is conducted by the Census Bureau for AHRQ and is cleared separately.

This request is for the MEPS–HC only. The OMB Control Number for the MEPS–HC and MPC is 0935–0118, which was last approved by OMB on November 8, 2019, and will expire on November 30, 2022.

The purpose of this request is to integrate the new self-administered questionnaire (SAQ) entitled, ''Social and Health Experiences,'' into the MEPS. This SAQ will include questions in a dual mode (web and paper) self-administered questionnaire about social and behavioral determinants of health including questions about housing affordability and quality, neighborhood characteristics, food security, transportation needs, financial strain, smoking and physical activity, and experiences with discrimination, social support, general well-being, personal safety, and adverse circumstances in childhood. The information collected will be used to examine the relationship between measures of the social determinants of health and measures of health status, and the use and expense of health care services. The goal of this survey is to help understand the relationship between social determinants of health and health care need in order to ultimately improve health care and health.

This study is being conducted by AHRQ through its contractors, Westat and RTI International, pursuant to AHRQ's statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to the cost and use of health care services and with respect to health statistics and surveys. 42 U.S.C. 299a(a)(3) and (8); 42 U.S.C. 299b–2.

**Method of Collection**

Data collection will be for adults (aged 18 and over). AHRQ proposes a mixed-mode (web and paper) primarily to further protect respondents' privacy due to the sensitive nature of some of the items. Web completion will be the main mode with paper offered to those with barriers to internet access.

**Estimated Annual Respondent Burden**

Exhibit 1 shows the estimated annualized burden hours for respondents' time to participate in this research. The Social and Health Experiences SAQ will be completed during Round 1, Panel 26, Round 3, Panel 25, and Round 5, Panel 24, by each person in the Reporting Unit (RU) that is 18 years old and older, an estimated 27,059 persons, and takes about 7 minutes to complete. The total annualized burden is estimated to be 3,157 hours.

Exhibit 2 shows the estimated annualized cost burden associated with respondents' time to participate in this research. The total cost burden is estimated to be $81,198 annually.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

| Activity | Number of respondents | Number of responses per respondent | Hours per response | Total burden hours |
|---|---|---|---|---|
| Social and Health Experiences SAQ; Adult SAQ—Year 2021 | 27,059 | 1 | 7/60 | 3,157 |
| Total | 27,059 | n/a | n/a | 3,157 |

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

| Activity | Number of respondents | Total burden hours | Average hourly wage rate * | Total cost burden |
|---|---|---|---|---|
| Social and Health Experiences SAQ (SDOH); Adult SAQ—Year 2021 | 27,059 | 3,157 | $25.72 | $81,198 |
| Total | 27,059 | 3,157 | n/a | 81,198 |

* Mean hourly wage for All Occupations (00–0000).
Occupational Employment Statistics, May 2019 National Occupational Employment and Wage Estimates United States, U.S. Department of Labor, Bureau of Labor Statistics *https://www.bls.gov/oes/current/oes_nat.htm#00-0000.*

**Request for Comments**

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: May 1, 2020.

**Virginia L. Mackay-Smith,**

*Associate Director.*

[FR Doc. 2020–09724 Filed 5–6–20; 8:45 am]

**BILLING CODE 4160–90–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

### Notice of Meeting

**AGENCY:** Agency for Healthcare Research and Quality, HHS.

**ACTION:** Notice.

**SUMMARY:** In accordance with section 10(a)(2) of the Federal Advisory Committee Act, announcement is made of an Agency for Healthcare Research and Quality (AHRQ) Special Emphasis Panel (SEP) meeting on AHRQ–HS–20–001, ''Improving Management of Opioids and Opioid Use Disorder (OUD) in Older Adults (R18).'' This SEP meeting will be closed to the public.

**DATES:** May 29, 2020.

**ADDRESSES:** Agency for Healthcare Research and Quality (Virtual Review), 5600 Fishers Lane, Rockville, Maryland 20850.

**FOR FURTHER INFORMATION CONTACT:** Anyone wishing to obtain a roster of members, agenda or minutes of the non-confidential portions of this meeting should contact: Jenny Griffith, Acting Committee Management Officer, Office of Extramural Research, Education and Priority Populations, AHRQ, 5600 Fishers Lane, Rockville, Maryland 20850, Telephone: (301) 427–1557.

Agenda items for this meeting are subject to change as priorities dictate.

**SUPPLEMENTARY INFORMATION:** A Special Emphasis Panel is a group of experts in fields related to health care research who are invited by the Agency for Healthcare Research and Quality (AHRQ), and agree to be available, to conduct on an as needed basis, scientific reviews of applications for AHRQ support. Individual members of the Panel do not attend regularly-scheduled meetings and do not serve for fixed terms or a long period of time. Rather, they are asked to participate in particular review meetings which require their type of expertise.

The SEP meeting referenced above will be closed to the public in accordance with the provisions set forth in 5 U.S.C. App. 2, section 10(d), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(6). Grant applications for the AHRQ–HS–20–001, ''Improving Management of Opioids and Opioid Use Disorder (OUD) in Older Adults (R18)'' is to be reviewed and discussed at this meeting. 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.

Dated: May 1, 2020.

**Virginia L. Mackay-Smith,**

*Associate Director.*

[FR Doc. 2020–09723 Filed 5–6–20; 8:45 am]

**BILLING CODE 4160–90–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifier: CMS–2744 and CMS–10652]**

### Agency Information Collection Activities: Submission for OMB Review; 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 (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 a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate 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 on the collection(s) of information must be received by the OMB desk officer by June 8, 2020.

**ADDRESSES:** When commenting on the proposed information collections,

please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions:

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.

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 *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 Parham at (410) 786–4669.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (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 (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-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 that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* End Stage Renal Disease Annual Facility Survey Form; *Use:* The ESRD Program Management and Medical Information System (PMMIS) Facility Certification/Survey Record contains provider-specific and aggregate patient population data on beneficiaries treated by that provider obtained from the Annual Facility Survey form (CMS–2744). The Facility Certification portion of the record captures certification and other information about ESRD facilities approved by Medicare to provide kidney dialysis and transplant services. The Facility Survey portion of the record captures activities performed during the calendar year as well as aggregate year-end population counts for both Medicare beneficiaries and non-Medicare patients. The survey includes the collection on hemodialysis patients dialyzing more than 4 times per week, vocational rehabilitation and staffing. The aggregate patient information is collected from each Medicare-approved provider of dialysis and kidney transplant services. The information is used to assess and evaluate the local, regional and national levels of medical and social impact of ESRD care and is used extensively by researchers and suppliers of services for trend analysis. *Form Number:* CMS–2744 (OMB control number: 0938–0447); *Frequency:* Yearly; *Affected Public:* Business or other for-profit, Not-for-profit institutions; *Number of Respondents:* 7,828; *Total Annual Responses:* 7,828; *Total Annual Hours:* 31,312. (For policy questions regarding this collection contact Gequincia Polk at 410–786–2305.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Virtual Groups for Merit-Based Incentive Payment System (MIPS); *Use:* CMS acknowledges the unique challenges that small practices and practices in rural areas may face with the implementation of the Quality Payment Program. To help support these practices and provide them with additional flexibility, CMS has created a virtual group reporting option starting with the 2018 MIPS performance period. CMS held webinars and small, interactive feedback sessions to gain insight from clinicians as we developed our policies regarding virtual groups. During these sessions, participants expressed a strong interest in virtual groups, and indicated that the right policies could minimize clinician burden and bolster clinician success.

This information collection request is related to the statutorily required virtual group election process finalized in the CY 2018 Quality Payment Program final rule. A virtual group is a combination of Tax Identification Numbers (TINs), which would include at least two separate TINs associated with a solo practitioner TIN and National Provider Identifier (TIN/NPI) or group with 10 or fewer MIPS eligible clinicians and another solo practitioner (TIN/NPI) or group with 10 or fewer MIPS eligible clinicians.

Section 1848(q)(5)(I) of the Act requires that CMS establish and have in place a process to allow an individual MIPS eligible clinician or group consisting of not more than 10 MIPS eligible clinicians to elect, with respect to a performance period for a year to be in a virtual group with at least one other such individual MIPS eligible clinician or group. The Act also provides for the use of voluntary virtual groups for certain assessment purposes, including the election of practices to be a virtual group and the requirements for the election process.

Section 1848(q)(5)(I)(i) of the Act also provides that MIPS eligible clinicians electing to be a virtual group must: (1) Have their performance assessed for all four performance categories in a manner that applies the combined performance of all the MIPS eligible clinicians in the virtual group to each MIPS eligible clinician in the virtual group for the applicable performance period; and (2) be scored for all four performance categories based on such assessment.

CMS will use the data collected from virtual group representatives to determine eligibility to participate in a virtual group, approve the formation of that virtual group, based on determination of each TIN size, and assign a virtual group identifier to the virtual group. The data collected will also be used to assign a performance score to each TIN/NPI in the virtual group. *Form Number:* CMS–10652 (OMB control number: 0938–1343); *Frequency:* Annually; *Affected Public:* Private Sector: Business or other for-profits and Not-for-profit institutions and Individuals; *Number of Respondents:* 16; *Total Annual Responses:* 16; *Total Annual Hours:* 160. (For policy questions regarding this collection, contact Michelle Peterman at 410–786–2591.)

Dated: May 4, 2020.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2020–09782 Filed 5–6–20; 8:45 am]

BILLING CODE 4120–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifier: CMS–319]**

### 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–319 State Medicaid Eligibility Quality Control Sample Selection Lists

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:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* State Medicaid Eligibility Quality Control Sample Selection Lists; *Use:* The Medicaid Eligibility Quality Control (MEQC) program provides states a unique opportunity to improve the quality and accuracy of their Medicaid and Children's Health Insurance Program (CHIP) eligibility determinations. The MEQC program is intended to complement the Payment Error Rate Measurement (PERM) program by ensuring state operations make accurate and timely eligibility determinations so that Medicaid and CHIP services are appropriately provided to eligible individuals. Current regulations require that states review equal numbers of active cases and negative case actions (*i.e.,* denials and terminations) through random sampling. Active case reviews are conducted to determine whether or not the sampled cases meet all current criteria and requirements for Medicaid or CHIP eligibility. Negative case reviews are conducted to determine if Medicaid and CHIP denials and terminations were appropriate and undertaken in accordance with due process. State Title XIX and Title XXI agencies are required to submit MEQC case level and CAP reports based on pilot findings in accordance with 42 CFR 431.816 and 431.820, respectively. The primary users of this information are state Medicaid (and where applicable CHIP) agencies and the Centers for Medicare & Medicaid Services. *Form Number:* CMS–319 (OMB control number: 0938–0147); *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 34; *Total Annual Responses:* 34; *Total Annual Hours:* 1,900. (For policy questions regarding this collection contact Camiel Rowe 410–786–0069.)

Dated: *May 4, 2020.*

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2020–09765 Filed 5–6–20; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Submission for OMB Review; Tribal Budget and Narrative Justification Template (New Collection)

**AGENCY:** Office of Child Support Enforcement; Administration for Children and Families; HHS.

**ACTION:** Request for public comment.

**SUMMARY:** The Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing to collect expenditure estimates for the Tribal Child Support Enforcement Program through an optional financial reporting form, Tribal Budget and Narrative Justification Template. This optional template is designed for tribes operating

an approved Tribal Child Support Enforcement Program to use in preparing their annual budget and narrative justification estimates in accordance with the tribal child support enforcement regulations.

**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:* To receive child support funding under 45 CFR part 309, tribes and tribal organizations must submit the financial forms described in 45 CFR 309.130(b) and other forms as the Secretary may designate, due no later than August 1 annually. The optional Tribal Budget and Narrative Justification Template will help to improve efficiency and establish uniformity and consistency in the annual budget submission and review process. Tribes may use the Excel or Word version of the template to submit the required financial information.

*Respondents:* Tribes and tribal organizations administering a Tribal Child Support Enforcement Program under title IV–D of the Social Security Act.

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 |
|---|---|---|---|---|---|
| Tribal Budget and Narrative Justification—Excel | 50 | 3 | 16 | 2,400 | 800 |
| Tribal Budget and Narrative Justification—Word | 10 | 3 | 20 | 600 | 200 |

*Estimated Total Annual Burden Hours:* 1,000.

**Authority:** 45 CFR 309.

**Mary B. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2020–09713 Filed 5–6–20; 8:45 am]

**BILLING CODE 4184–41–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:* Biobehavioral and Behavioral Processes Integrated Review Group; Cognition and Perception Study Section.

*Date:* June 3–5, 2020.

*Time:* 10:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Devon Rene Brost Oskvig, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, Bethesda, MD 20892, *brostd@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Neuroimaging of Addiction.

*Date:* June 4, 2020.

*Time:* 1:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Samuel C. Edwards, Ph.D., Chief, BDCN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *edwardss@csr.nih.gov.*

*Name of Committee:* Biobehavioral and Behavioral Processes Integrated Review Group; Adult Psychopathology and Disorders of Aging Study Section.

*Date:* June 8–9, 2020.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Brian H. Scott, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–7490, *brianscott@mail.nih.gov.*

*Name of Committee:* Oncology 2—Translational Clinical Integrated Review Group; Radiation Therapeutics and Biology Study Section.

*Date:* June 8–9, 2020.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Bo Hong, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–996–6208, *hongb@csr.nih.gov.*

*Name of Committee:* Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neuroendocrinology, Neuroimmunology, Rhythms and Sleep Study Section.

*Date:* June 10–11, 2020.

*Time:* 8:00 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:* Michael Selmanoff, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5164, MSC 7844, Bethesda, MD 20892, 301–435–1119, *mselmanoff@csr.nih.gov.*

*Name of Committee:* Healthcare Delivery and Methodologies Integrated Review Group; Dissemination and Implementation Research in Health Study Section.

*Date:* June 10–11, 2020.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Wenjuan Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3154, Bethesda, MD 20892, *wangw22@mail.nih.gov.*

*Name of Committee:* Bioengineering Sciences & Technologies Integrated Review Group; Nanotechnology Study Section.

*Date:* June 10–11, 2020.

*Time:* 10:00 a.m. to 6:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Joseph Thomas Peterson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9694, *petersonjt@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: May 4, 2020.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–09770 Filed 5–6–20; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute on Alcohol Abuse and Alcoholism; 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 Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA Fellowship Review Panel.

*Date:* June 30–July 1, 2020.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20817 (Virtual Meeting).

*Contact Person:* Luis Espinoza, Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2109, Bethesda, MD 20892, (301) 443–8599, *espinozala@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: May 4, 2020.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–09772 Filed 5–6–20; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Preclinical Services for HIV Therapeutics (Task Area C/D).

*Date:* June 5, 2020.

*Time:* 10:30 a.m. to 5:30 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G33, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* David C. Chang, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G33, Rockville, MD 20852, (301) 594–4218, *changdac@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 1, 2020.

**Tyeshia M. Roberson,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–09779 Filed 5–6–20; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Preclinical Services for HIV Therapeutics (Task Area A/B).

*Date:* June 10, 2020.

*Time:* 9:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G33, Rockville, MD 20892.

*Contact Person:* Steven F. Santos, Ph.D., Scientific Review Officer, AIDS Research Review Branch, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G33, Rockville, MD 20852, 301–761–7049, *steven.santos@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 1, 2020.

**Tyeshia M. Roberson,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–09773 Filed 5–6–20; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Cellular Signaling and Regulatory Systems.
*Date:* May 28, 2020.
*Time:* 1:00 p.m. to 3:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892 (Virtual Meeting).
*Contact Person:* Maqsood A. Wani, BS, MS, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2114, MSC 7814, Bethesda, MD 20892, 301–435–2270, *wanimaqs@csr.nih.gov.*

*Name of Committee:* Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Biology Structure and Regeneration Study Section.
*Date:* June 4–5, 2020.
*Time:* 9:00 a.m. to 5:30 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892 (Virtual Meeting).
*Contact Person:* Yanming Bi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, 301–451–0996, *ybi@csr.nih.gov.*

*Name of Committee:* Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Sensorimotor Integration Study Section.
*Date:* June 9–10, 2020.
*Time:* 8:00 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:* John Bishop, Ph.D. Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov.*

*Name of Committee:* Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Imaging Probes and Contrast Agents Study Section.
*Date:* June 11–12, 2020.
*Time:* 8:00 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:* Donald Scott Wright, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7854, Bethesda, MD 20892, (301) 435–8363, *wrightds@csr.nih.gov.*

*Name of Committee:* Immunology Integrated Review Group; Innate Immunity and Inflammation Study Section.
*Date:* June 11–12, 2020.
*Time:* 8:00 a.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:* Tina McIntyre, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812 Bethesda, MD 20892, 301–594–6375, *mcintyrt@csr.nih.gov.*

*Name of Committee:* Emerging Technologies and Training Neurosciences Integrated Review Group; Emerging Imaging Technologies in Neuroscience Study Section.
*Date:* June 11–12, 2020.
*Time:* 8:00 a.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:* Sharon S. Low, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health 6701 Rockledge Drive, Room 5104, MSC 7846, Bethesda, MD 20892, 301–237–1487 *lowss@csr.nih.gov.*

*Name of Committee:* Emerging Technologies and Training Neurosciences Integrated Review Group; Molecular Neurogenetics Study Section.
*Date:* June 11–12, 2020.
*Time:* 8:00 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:* Mary G. Schueler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7846, Bethesda, MD 20892, 301–915–6301, *marygs@csr.nih.gov.*

*Name of Committee:* Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neurobiology of Motivated Behavior Study Section.
*Date:* June 11–12, 2020.
*Time:* 8:00 a.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:* Jasenka Borzan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892–7814, 301–435–1260, *borzanj@csr.nih.gov.*

*Name of Committee:* Bioengineering Sciences & Technologies Integrated Review Group; Biomaterials and Biointerfaces Study Section.
*Date:* June 11–12, 2020.
*Time:* 8:00 a.m. to 7:00 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:* Joseph D. Mosca, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7808, Bethesda, MD 20892, (301) 408–9465, *moscajos@csr.nih.gov.*

*Name of Committee:* Immunology Integrated Review Group; Transplantation, Tolerance, and Tumor Immunology Study Section.
*Date:* June 11–12, 2020.
*Time:* 8:30 a.m. to 5:00 p.m.
*Agenda:* To review and evaluate grant applications.
*Place:* National Institutes of Health Rockledge, II 6701 Rockledge Dr., Bethesda, MD 20892 (Virtual Meeting).
*Contact Person:* Jin Huang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4199, MSC 7812, Bethesda, MD 20892, 301–435–1230, *jh377p@nih.gov.*

*Name of Committee:* Infectious Diseases and Microbiology Integrated Review Group; Pathogenic Eukaryotes Study Section.
*Date:* June 11–12, 2020.
*Time:* 8:30 a.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:* Tera Bounds, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808 Bethesda, MD 20892, 301 435–2306, *boundst@csr.nih.gov.*

*Name of Committee:* Cell Biology Integrated Review Group; Cellular Mechanisms in Aging and Development Study Section.
*Date:* June 11–12, 2020.
*Time:* 9:00 a.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:* John Burch, Ph.D.. Scientific Review Officer, Center for Scientific Review National Institute of

Health, 6701 Rockledge Drive, Room 3213, MSC 7808, Bethesda, MD 20892, 301–408–9519, *burchjb@csr.nih.gov.*

*Name of Committee:* Population Sciences and Epidemiology Integrated Review Group; Biostatistical Methods and Research Design Study Section.

*Date:* June 11–12, 2020.

*Time:* 9:30 a.m. to 7:00 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:* Karen Nieves Lugo, MPH, Ph.D., Scientific Review Officer, Center for Scientific Review National Institutes of Health, Bethesda, MD 20892, 301–594–9088, *karen.nieveslugo@nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Urology and Urogynecology.

*Date:* June 11, 2020.

*Time:* 9:30 a.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:* Julia Spencer Barthold, M.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–3073, *julia.barthold@nih.gov.*

*Name of Committee:* Infectious Diseases and Microbiology Integrated Review Group; Host Interactions with Bacterial Pathogens Study Section.

*Date:* June 11–12, 2020.

*Time:* 9:30 a.m. to 6:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Dr., Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Fouad A. El-Zaatari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7808, Bethesda, MD 20892, (301) 435–1149, *elzaataf@csr.nih.gov.*

*Name of Committee:* Immunology Integrated Review Group Cellular and Molecular Immunology—A Study Section.

*Date:* June 11–12, 2020.

*Time:* 9:30 a.m. to 7:00 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:* David B. Winter, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, 301–435–1152, *dwinter@mail.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: May 1, 2020.

**Tyeshia M. Roberson,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–09771 Filed 5–6–20; 8:45 am]

**BILLING CODE 4140–01–P**

---

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Preclinical Services for HIV Therapeutics (Task Areas E/F).

*Date:* June 3, 2020.

*Time:* 9:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G33, Rockville, MD 20892.

*Contact Person:* Steven F. Santos, Ph.D., Scientific Review Officer, AIDS Research Review Branch, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G33, Rockville, MD 20852, 301–761–7049, *steven.santos@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 1, 2020.

**Tyeshia M. Roberson,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–09776 Filed 5–6–20; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Omnibus BAA 2020–1: Research Area 005—Advanced Development of Diagnostics for Biothreats and Emerging Infectious Diseases.

*Date:* May 26, 2020.

*Time:* 9:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G62A, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Eleazar Cohen, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Health, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Room 3G62A, Rockville, MD 20852, (240) 669–5081, *ecohen@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 1, 2020.

**Tyeshia M. Roberson,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–09780 Filed 5–6–20; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; 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:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; HIV/AIDS Clinical Trials Units (UM1 Clinical Trial Required).

*Date:* May 27, 2020.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G21A, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Roberta Binder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G21A, Bethesda, MD 20892–9823, (240) 669–5050, *rbinder@niaid.nih.gov.*

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; HIV/AIDS Clinical Trials Units (UM1 Clinical Trial Required).

*Date:* May 28–29, 2020.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G21A, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Roberta Binder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G21A, Bethesda, MD 20892–9823, (240) 669–5050, *rbinder@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 1, 2020.

**Tyeshia M. Roberson,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–09777 Filed 5–6–20; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Omnibus BAA 2020–1: Research Area 004—Development of Therapeutic Products for Biodefense, Anti-Microbial Resistant (AMR) Infections and Emerging Infectious Diseases.

*Date:* May 21, 2020.

*Time:* 9:00 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G62A, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Eleazar Cohen, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institute of Health, 5601 Fishers Lane, Room 3G62A, Bethesda, MD 20852, (240) 669–5081, *ecohen@niaid.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 1, 2020.

**Tyeshia M. Roberson,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2020–09778 Filed 5–6–20; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

**[1651–0036]**

### Agency Information Collection Activities: Temporary Scientific or Educational Purposes

**AGENCY:** U.S. Customs and Border Protection (CBP), Department of Homeland Security.

**ACTION:** 60-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 July 6, 2020) to be assured of consideration.

**ADDRESSES:** Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0036 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) *Mail.* Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE, 10th Floor, Washington, DC 20229–1177.

**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 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:* Declaration of the Ultimate Consignee that Articles were Exported for Temporary Scientific or Educational Purposes.

*OMB Number:* 1651–0036.

*Form Number:* None.

*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.

*Abstract:* The Declaration of the Ultimate Consignee that Articles were Exported for Temporary Scientific or Educational Purposes is used to document duty free entry under conditions when articles are temporarily exported solely for scientific or educational purposes. This declaration, which is completed by the ultimate consignee and submitted to CBP by the importer or the agent of the importer, is used to assist CBP personnel in determining whether the imported articles should be free of duty. It is provided for under 19 U.S.C. 1202, HTSUS Subheading 9801.00.40, and 19 CFR 10.67(a)(3) which requires a declaration to CBP stating that the articles were sent from the United States solely for temporary scientific or educational use and describing the specific use to which they were put while abroad.

*Estimated Number of Respondents:* 55.

*Estimated Number of Annual Responses per Respondent:* 3.

*Estimated Number of Total Annual Responses:* 165.

*Estimated Time per Response:* 10 minutes.

*Estimated Total Annual Burden Hours:* 27.

Dated: May 4, 2020.

**Seth D. Renkema,**

*Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.*

[FR Doc. 2020–09743 Filed 5–6–20; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–7024–N–21]**

## 30-Day Notice of Proposed Information Collection: Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program OMB Control; OMB Control #2506–NEW

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

**DATES:** *Comments Due Date:* June 8, 2020.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/Start Printed Page 15501PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email her at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on January 6, 2020 at 85 FR 519.

**A. Overview of Information Collection**

*Title of Information Collection:* Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program.

*OMB Approval Number:* 2506–New.

*Type of Request:* New.

*Form Number:* N/A.

*Description of the need for the information and proposed use:* The Rent Calculation Worksheet is used at the beginning of the renewal contract term to determine the rent cost and can be in effect until contract rents for units in the project are adjusted. The amounts of the monthly contract rents are in accordance with HUD requirements by using the Operating Cost Allocation Factor (OCAF). The Renewal Contract is a Housing Assistance Payments contract (HAP) between the Public Housing Authority and the owner of the project.

| Information collection | Number of respondents | Frequency of response | Responses per annum | Burden hour per response | Annual burden hours | Hourly cost per response | Annual cost |
|---|---|---|---|---|---|---|---|
| HAP | 378.00 | 1.00 | 378.00 | 2.00 | 756.00 | $41.66 | $31,494.96 |

| Information collection | Number of respondents | Frequency of response | Responses per annum | Burden hour per response | Annual burden hours | Hourly cost per response | Annual cost |
|---|---|---|---|---|---|---|---|
| Rent Calculation Worksheet Addendum ..... | 378.00 | 1.00 | 378.00 | 3.00 | 1,134.00 | 41.66 | 47,242.44 |

**B. Solicitation of Public Comment**

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

(5) Ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

**C. Authority**

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 28, 2020.

**Anna P. Guido,**

*Department Reports Management Officer, Office of the Chief Information Officer.*

[FR Doc. 2020–09793 Filed 5–6–20; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–7024–N–20]**

## 30-Day Notice of Proposed Information Collection: Disaster Recovery Grant Reporting System (OMB Control No. 2506–0165)

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

**DATES:** *Comments Due Date:* June 8, 2020.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email her at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on January 28, 2020.

**A. Overview of Information Collection**

*Title of Information Collection:* Disaster Recovery Grant Reporting System (DRGR).

*OMB Approval Number:* 2506–0165.

*Type of Request:* Extension of currently approved collection.

*Form Number:* SF–424 Application for Federal Assistance.

*Description of the need for the information and proposed use:* The Disaster Recovery Grant Reporting (DRGR) System is a grants management system used by the Office of Community Planning and Development to monitor special appropriation grants under the Community Development Block Grant program. This collection pertains to Community Development Block Grant Disaster Recovery (CDBG–DR) and Neighborhood Stabilization Program (NSP) grant appropriations.

The CDBG program is authorized under Title I of the Housing and Community Development Act of 1974, as amended. Following major disasters, Congress appropriates supplemental CDBG funds for disaster recovery. According to Section 104(e)(1) of the Housing and Community Development Act of 1974, HUD is responsible for reviewing grantees' compliance with applicable requirements and their continuing capacity to carry out their programs. Grant funds are made available to states and units of general local government, Indian tribes, and insular areas, unless provided otherwise by supplemental appropriations statute, based on their unmet disaster recovery needs.

DRGR is used to monitor CDBG–DR, NSP, and NSP–TA grants, as well as several programs that do not fall under the Office of Block Grant Assistance. Separate information collections have been submitted and approved for these programs. CDBG–DR and NSP grant funds are made available to states and units of general local government, Indian tribes, and insular areas, unless provided otherwise by supplemental appropriations statute. NSP–TA grant funds are awarded on a competitive basis and are open to state and local governments, as well as non-profit groups and consortia that may include for-profit entities.

| Information collection | Number of respondents | Frequency of response | Responses per annum | Burden hour per response | Annual burden hours | Hourly cost per response | Annual cost |
|---|---|---|---|---|---|---|---|
| CDBG–DR ..... | 729.00 | 12.58 | 9,174.00 | 2.68 | 24,592.14 | $26.45 | $650,462.10 |
| NSP ..... | 1,096.00 | 21.00 | 23,016.00 | 0.54 | 12,516.32 | 26.45 | 331,056.66 |

| Information collection | Number of respondents | Frequency of response | Responses per annum | Burden hour per response | Annual burden hours | Hourly cost per response | Annual cost |
|---|---|---|---|---|---|---|---|
| NSP 3 TA | 62.00 | 21.50 | 1,333.00 | 1.09 | 1,452.04 | 26.45 | 38,406.46 |
| RC & Section 4 | 94.00 | 4.60 | 432.00 | 1.46 | 632.00 | 37.70 | 23,826.40 |
| Total | 1,981.00 | | 33,955.00 | | 39,193.00 | | 1,043,764.85 |

**B. Solicitation of Public Comment**

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of

information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**C. Authority**

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: April 28, 2020.

**Anna P. Guido,**

*Department Reports Management Officer, Office of the Chief Information Officer.*

[FR Doc. 2020–09775 Filed 5–6–20; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[Docket No. FWS–R8–ES–2020–0039; FF08ESMF00–FXES11140800000–189]**

### Dos Osos Reservoir Replacement Project, Contra Costa County, California; Draft Categorical Exclusion and Draft Habitat Conservation Plan

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability of permit application; request for comment.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the availability of a draft categorical exclusion under the National Environmental Policy Act. We also announce receipt of an application for an incidental take permit under the Endangered Species Act (ESA), and receipt of a draft habitat conservation plan. The East Bay Municipal Utility District (EBMUD) (applicant) has applied for an incidental take permit under the ESA for the Dos Osos Reservoir Replacement Project in Contra Costa County, California. The permit would authorize the take of one species incidental to the construction of the project. Incidental take coverage is not being sought for operation and maintenance of the project, as these activities are covered, analyzed, and mitigated for under the existing EBMUD Low-Effect East Bay HCP. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing the requested permit, we will take into consideration any information that we receive during the public comment period.

**DATES:** We must receive your written comments on or before June 8, 2020.

**ADDRESSES:** *Obtaining Documents:* The draft categorical exclusion (draft CatEx), draft habitat conservation plan (HCP), and any comments and other materials that we receive are available for public inspection at *http://www.regulations.gov* in Docket No. FWS–R8–ES–2020–0039.

*Submitting Comments:* To submit comments, please use one of the following methods, and note that your information requests or comments are in reference to the draft CatEx, draft HCP, or both.

- *Internet:* Submit comments at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2020–0039.
- *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS–R8–ES–2020–0039; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

For more information, see Public Comments and Public Availability of Comments, under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Jason Hanni, Fish and Wildlife Biologist, or Ryan Olah, Chief, Coast Bay Division, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, by phone at 916–414–6600 or via the Federal Relay Service at 800–877–8339.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft categorical exclusion (CatEx), prepared pursuant to the National Environmental Policy Act of 1969, as amended (NEPA; 42 U.S.C. 4321 *et seq.*), and its implementing regulations in the Code of Federal Regulations (CFR) at 40 CFR 1506.6. This notice also announces the receipt of an application from the East Bay Municipal Utility District (EBMUD) (applicant) for a 15-year incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). Application for the permit requires the preparation of an HCP with measures to avoid, minimize, and mitigate the impacts of incidental take to the maximum extent practicable. The applicant prepared the draft Los Osos Reservoir Replacement Project Low-Effect Habitat Conservation Plan (draft HCP) pursuant to section 10(a)(1)(B) of the ESA. The purpose of the CatEx is to assess the effects of issuing the permit and implementing the draft HCP on the natural and human environment.

**Background**

Section 9 of the ESA (16 U.S.C. 1531–1544 *et seq.*) and Federal regulations (50 CFR 17) prohibit the taking of fish and wildlife species listed as endangered or threatened under section 4 of the ESA. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32. For more about the Federal habitat conservation plan (HCP) program, go to *http://www.fws.gov/endangered/esa-library/pdf/hcp.pdf.*

**National Environmental Policy Act Compliance**

The proposed permit issuance triggers the need for compliance with the National Environmental Policy Act of 1969, as amended (NEPA; 42 U.S.C. 4321 *et seq.*). The draft CatEx was prepared to analyze the impacts of issuing an ITP based on the draft HCP and to inform the public of the proposed action, any alternatives, and associated

impacts, and to disclose any irreversible commitments of resources.

*Proposed Action Alternative*

Under the Proposed Action Alternative, the Service would issue an ITP to the applicant for a period of 15 years for certain covered activities (described below). The applicant has requested an ITP for one covered species (described below), which is listed as threatened under the ESA.

Habitat Conservation Plan Area

The geographic scope of the draft HCP encompasses 2.98 acres, which encompasses both the 0.98-acre permanent impact and 2.00 acres of temporary impact areas. The project would result in the demolition of the existing water reservoir and replacing it with two new 120,000-gallon steel-bolted reservoirs located at 263 El Toyonal, in the City of Orinda, Contra Costa County, California.

Covered Activities

The proposed ESA section 10 ITP would allow take of one covered species from covered activities in the proposed HCP area. The applicant is requesting incidental take authorization for covered activities, including site preparation, construction, and access road maintenance in the project area. The applicant is proposing to implement a number of project design features, including best management practices, as well as general and species-specific avoidance and minimization measures to minimize the impacts of the take from the covered activities.

Covered Species

The Alameda whipsnake (*Masticophis lateralis euryxanthus*), a species federally listed as threatened, is proposed to be included as a covered species in the proposed HCP:

*No-Action Alternative*

Under the No-Action Alternative, the Service would not issue an ITP to the applicant, and the reservoir would not be constructed. The No-Action Alternative is not feasible, based on the purpose and need of the project. The existing reservoir is at the end of its useful life, due to deterioration of the structural materials. The metal on the existing reservoir is corroding, the roof is deteriorating, and the entire aging structure will eventually will be unable to maintain an adequate water supply and serve its intended function. EBMUD must replace this critical water distribution facility and improve the level of service in the pressure zones by raising the elevation of the proposed new dual Dos Osos Reservoirs. In addition, the project is necessary to increase operational flexibility by replacing the existing single reservoir with new dual Dos Osos Reservoirs. For these reasons, the No-Action Alternative has been rejected.

**Public Comments**

We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on this notice, the draft CatEx, and the draft HCP. We particularly seek comments on the following:

1. Biological information concerning the species;
2. Relevant data concerning the species;
3. Additional information concerning the range, distribution, population size, and population trends of the species;
4. Current or planned activities in the area and their possible impacts on the species;
5. The presence of archeological sites, buildings and structures, historic events, sacred and traditional areas, and other historic preservation concerns, which are required to be considered in project planning by the National Historic Preservation Act; and
6. Any other environmental issues that should be considered with regard to the proposed development and permit action.

**Public Availability of Comments**

Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might 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.

**Next Steps**

Issuance of an incidental take permit is a Federal proposed action subject to compliance with NEPA and section 7 of the ESA. We will evaluate the application, associated documents, and any public comments we receive as part of our NEPA compliance process to determine whether the application meets the requirements of section 10(a) of the ESA. If we determine that those requirements are met, we will conduct an intra-Service consultation under section 7 of the ESA for the Federal action for the potential issuance of an ITP. If the intra-Service consultation confirms that issuance of the ITP will not jeopardize the continued existence of any endangered or threatened species, or destroy or adversely modify critical habitat, we will issue a permit to the applicant for the incidental take of the covered species.

**Authority**

We publish this notice under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4347 *et seq.*), and its implementing regulations at 40 CFR 1500–1508, as well as in compliance with section 10(c) of the Endangered Species Act (16 U.S.C. 1531–1544 *et seq.*) and its implementing regulations at 40 CFR 17.22.

**Jennifer Norris,**

*Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, Sacramento, California.*

[FR Doc. 2020–09804 Filed 5–6–20; 8:45 am]

BILLING CODE 4333–15–P

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

**[FWS–R8–ES–2020–N075; FXES11130800000–201–FF08E00000]**

## Endangered and Threatened Species; Receipt of Recovery Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

**DATES:** We must receive your written comments on or before June 8, 2020.

**ADDRESSES:** *Document availability and comment submission:* Submit requests for copies of the applications and related documents and submit any comments by email to *permitsr8es@fws.gov.* All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* TEXXXXXX).

**FOR FURTHER INFORMATION CONTACT:** Robert Krijgsman, via phone at 760–431–9440, via email at *permitsr8es@fws.gov,* or via the Federal Relay Service at 1–800–877–8339 for TTY assistance.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species that are listed as endangered or threatened under the ESA.

## Background

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of ''take'' includes such activities as pursuing, harassing, trapping, capturing, or collecting in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found in the Code of Federal Regulations at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

## Permit Applications Available for Review and Comment

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild. The ESA requires that we invite public comment before issuing these permits. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

| Application No. | Applicant, city, state | Species | Location | Take activity | Permit action |
|---|---|---|---|---|---|
| TE–76006B | Zoological Society of San Diego, San Diego, California. | • Mountain yellow-legged frog (*Rana muscosa*). | CA | Conduct interspecific competition research with native freshwater taxa. | Amend. |
| TE–75190D | Rory Telemeco, Fresno, California | • Blunt-nosed leopard lizard (*Gambelia silus*). | CA | Perform population, life history, nesting, and development research by collecting eggs, captive rear, and releasing into the wild; capture, handle, mark, collect tissue, perform ultrasound, collect morphological data, radio track, and place data loggers near nests. | New. |
| TE–007907 | U.S. Geological Survey, Klamath Falls, Oregon. | • Lost River sucker (*Deltistes luxatus*).<br>• Shortnose sucker (*Chasmistes brevirostris*).<br>• White River spinedace (*Lepidomeda albivallis*). | OR, NV | Capture, handle, mark, insert passive integrated transponder (PIT) tags, collect specimens, collect gametes, translocate, use data loggers in habitat, and electrofish. | Renew and amend. |
| TE–53825B | Zoological Society of San Diego, San Diego, California. | • California least tern (*Sterna antillarum browni*). | CA | Capture, band, release, install cameras, monitor nests. | Amend. |
| TE–067064 | Lindsay Messett, Long Beach, California. | • Quino checkerspot butterfly (*Euphydryas editha quino*).<br>• Southwestern willow flycatcher (*Empidonax traillii extimus*). | CA | Pursue and play taped vocalizations | Renew and amend. |
| TE–163671 | Ryan O'Dell, Marina, California | • California jewelflower (*Caulanthus californicus*).<br>• San Joaquin wooly-threads (*Monolopia* (=*Lembertia*) *congdonii*). | CA | Collect seed, whole plants, and plant parts. | Renew and amend. |
| TE–66265D | Donna Noce, Bakersfield, California | • Conservancy fairy shrimp (*Branchinecta conservatio*).<br>• Longhorn fairy shrimp (*Branchinecta longiantenna*).<br>• San Diego fairy shrimp (*Branchinecta sandiegonensis*).<br>• Riverside fairy shrimp (*Streptocephalus woottoni*).<br>• Vernal pool tadpole shrimp (*Lepidurus packardi*).<br>• Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*).<br>• Giant kangaroo rat (*Dipodomys ingens*).<br>• Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*).<br>• Fresno kangaroo rat (*Dipodomys nitratoides exilis*). | CA | Survey, capture, handle, release, and collect vouchers. | New. |

## Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public

review, we cannot guarantee that we will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

## Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

## Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

**Angela Picco,**

*Acting Chief of Ecological Services, Pacific Southwest Region, Sacramento, California.*

[FR Doc. 2020–09749 Filed 5–6–20; 8:45 am]

BILLING CODE 4333–15–P

---

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

**[FWS–R3–ES–2020–N076; FXES11130300000–201–FF03E00000]**

## Endangered and Threatened Species; Receipt of Recovery Permit Applications

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, have received applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species under the Endangered Species Act. We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

**DATES:** We must receive your written comments on or before June 8, 2020.

**ADDRESSES:** *Document availability and comment submission:* Submit requests for copies of the applications and related documents, as well as any comments, by one of the following methods. All requests and comments should specify the applicant name(s) and application number(s) (*e.g.,* TEXXXXXX; see table in **SUPPLEMENTARY INFORMATION**):

- *Email: permitsR3ES@fws.gov.* Please refer to the respective application number (*e.g.,* Application No. TEXXXXXX) in the subject line of your email message.
- *U.S. Mail:* Regional Director, Attn: Nathan Rathbun, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458.

**FOR FURTHER INFORMATION CONTACT:** Nathan Rathbun, 612–713–5343 (phone); *permitsR3ES@fws.gov* (email). Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

**SUPPLEMENTARY INFORMATION:**

## Background

The Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

## Permit Applications Available for Review and Comment

We invite local, State, and Federal agencies; Tribes; and the public to comment on the following applications:

| Application No. | Applicant | Species | Location | Activity | Type of take | Permit action |
|---|---|---|---|---|---|---|
| TE71730A ..... | MO Department of Conservation, Warsaw, MO. | Topeka Shiner (*Notropis topeka*). | MO ..... | Conduct captive breeding, rearing, and reintroduction. | Capture, handle, long-term hold, captive rear, release. | Renew. |
| TE75401D ..... | U.S. Geological Survey, Upper Midwest Environmental Sciences Center, La Crosse, WI. | Higgins eye (pearlymussel) (*Lampsilis higginsii*), sheepnose mussel (*Plethobasus cyphyus*), snuffbox mussel (*Epioblasma triquetra*), spectaclecase (mussel) (*Cumberlandia monodonta*), winged mapleleaf (*Quadrula fragosa*). | MN, WI ..... | Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts, conduct captive propagation and health assessment research. | Collect, mark, temporary hold, collect hemolymph samples, release. | New. |
| TE75495D ..... | Tip of the Mitt Watershed Council, Petoskey, MI. | Hungerford's crawling water beetle (*Brychius hungerfordi*). | MI ..... | Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts. | Capture, handle, temporary hold, release, relocate. | New. |
| TE120259 ..... | Missouri Department of Conservation, Resource Science, Chillicothe, MO. | Pallid sturgeon (*Scaphirhynchus albus*). | KS, MO .... | Conduct presence/absence surveys; document habitat use; conduct population monitoring; evaluate impacts; conduct captive propagation, population assessment, and genetic research. | Add new activities—implant radio transmitter; collect tissue, fecal, and blood samples; collect eggs; kill—to existing authorized activities: Capture, handle, tag, collect fin samples, transport, hold, release. | Amend. |

### Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

### Next Steps

If we decide to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

### Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

**Lori Nordstrom,**

*Assistant Regional Director, Ecological Services.*

[FR Doc. 2020–09794 Filed 5–6–20; 8:45 am]

**BILLING CODE 4333–15–P**

---

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

**[XXX.LLID957000.L19100000.BJ0000. LRCSD2005700.241A00. 4500144493]**

## Filing of Plats of Survey: Idaho

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Idaho State Office, Boise, Idaho, in 30 days from the date of this publication.

**Boise Meridian**

*Idaho*

T. 9 S., R. 24 E., Section 1, Acequia Townsite, accepted April 27, 2020

T. 9 S., R. 24 E., Sections 20 and 29, Rupert Townsite, accepted April 27, 2020

T. 10 S., R. 23 E., Sections 15 and 22, Heyburn Townsite, accepted April 27, 2020

**ADDRESSES:** A copy of the plats may be obtained from the Public Room at the Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709, upon required payment.

**FOR FURTHER INFORMATION CONTACT:** Timothy A. Quincy, (208) 373–3981 Branch of Cadastral Survey, Bureau of Land Management, 1387 South Vinnell Way, Boise, Idaho, 83709–1657. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Mr. Quincy. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** A person or party who wishes to protest one or more plats of survey identified above must file a written notice with the Chief Cadastral Surveyor for Idaho, Bureau of Land Management. The protest must identify the plat(s) of survey that the person or party wishes to protest and contain all reasons and evidence in support of the protest. The protest must be filed before the scheduled date of official filing for the plat(s) of survey being protested. Any protest filed after the scheduled date of official filing will be untimely and will not be considered. A protest is considered filed on the date it is received by the Chief Cadastral Surveyor for Idaho during regular business hours; if received after regular business hours, a protest will be considered filed the next business day. If a protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personal identifying information in a protest, you should be aware that the documents you submit, including your personal identifying information, may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Timothy A. Quincy,**

*Chief Cadastral Surveyor for Idaho.*

[FR Doc. 2020–09699 Filed 5–6–20; 8:45 am]

**BILLING CODE 4310–GG–P**

---

## DEPARTMENT OF THE INTERIOR

## National Park Service

**[NPS–WASO–NRNHL–DTS#–30202; PPWOCRADI0, PCU00RP14.R50000]**

## National Register of Historic Places; Notification of Pending Nominations and Related Actions

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The National Park Service is soliciting electronic comments on the significance of properties nominated before April 18, 2020, for listing or related actions in the National Register of Historic Places.

**DATES:** Comments should be submitted electronically by May 22, 2020.

**ADDRESSES:** Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

**SUPPLEMENTARY INFORMATION:** The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before April 18, 2020. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

**ARIZONA**

**Pima County**

Bauder, Jean and Paul, House (Boundary Increase II), (Single Family Residential Architecture of Josias Joesler and John and Helen Murphey MPS), 4775 North Camino Antonio, Tucson vicinity, BC100005221

Catalina Townhouses Historic District, 6240 North Campbell Ave., Tucson, SG100005226

Sunshine Mile Historic District, Broadway Blvd. between Euclid & Country Club Rds., Tucson, SG100005229

**CALIFORNIA**

**Los Angeles County**

Anderson, Eddie ''Rochester,'' House, (African Americans in Los Angeles MPS), 1932 Rochester Cir., Los Angeles, MP100005219

**San Bernardino County**

Pioneertown Mane Street Historic District, Mane St., Pioneertown, SG100005220

**Santa Clara County**

Zschokke, Theodore, Cottages, 617 and 621 High St., Palo Alto, SG100005218

**COLORADO**

**San Juan County**

Frisco-Bagley Mine and Tunnel, (Mining Industry in Colorado, MPS), (Mining Resources of San Juan County, Colorado MPS), Address Restricted, Silverton, MP100005235

**ILLINOIS**

**Du Page County**

Chicago Golf Club, 25W253 Warrenville Rd., Wheaton, SG100005231

**Iroquois County**

Glenwood School, 1398 East 800 North Rd., Cissna Park, SG100005232

**St. Clair County**

Tiedemann House, 212 West Washington St., O'Fallon, SG100005233

**MINNESOTA**

**Ramsey County**

Hope Engine Company No. 3, 1 South Leech St., Saint Paul, SG100005237

**PUERTO RICO**

**Arecibo Municipality**

Federico Degetau Consolidated Rural School, (Early Twentieth Century Schools in Puerto Rico TR), Carretera #662 Km. 68, Arecibo vicinity, MP100005236

**TEXAS**

**Hidalgo County**

1910 Hidalgo County Jail, 121 East McIntyre St., Edinburg, SG100005230

**WISCONSIN**

**Milwaukee County**

37th Street School, 1715 North 37th St., Milwaukee, SG100005225

Additional documentation has been received for the following resources:

**ARIZONA**

**Cochise County**

Bisbee Residential Historic District (Additional Documentation), Roughly bounded by the City of Bisbee city limits north of Lavender Pit Mine, excluding existing Bisbee Historic District, Bisbee, AD10000233

**Maricopa County**

Willo Historic District (Additional Documentation), (Residential Subdivisions and Architecture in Phoenix MPS), Roughly bounded by Edgemont and Cambridge Rds., and 7th and 3rd Aves., Phoenix, AD96001497

**Pima County**

Jefferson Park Historic District (Additional Documentation), Roughly bounded by Euclid Ave., Grant Rd., Campbell Ave., and alley south of Lester St., Tucson, AD12000241

**Yavapai County**

Clarkdale Historic District (Additional Documentation), Roughly along Main St., roughly bounded by Verde R. including industrial smelter site, Clarkdale, AD97001586

**SOUTH CAROLINA**

**Richland County**

Elmwood Park Historic District (Additional Documentation), Roughly bounded by Elmwood Avenue, Main Street and the SALRR tracks, Columbia, AD91000529

**TEXAS**

**Dallas County**

Dallas Downtown Historic District (Additional Documentation), Roughly bounded by Federal St., North St. Paul St., Pacific Ave., Harwood, South Pearl, Commerce, South Ervay, Akard, and Field Sts., Dallas, AD04000894

**Authority:** Section 60.13 of 36 CFR part 60.

Dated: April 21, 2020.

**Julie H. Ernstein,**

*Supervisory Archeologist, National Register of Historic Places/National Historic Landmarks Program.*

[FR Doc. 2020–09715 Filed 5–6–20; 8:45 am]

BILLING CODE 4312–52–P

## DEPARTMENT OF THE INTERIOR

## Office of Surface Mining Reclamation and Enforcement

**[S1D1S SS08011000 SX064A000 201S180110; S2D2S SS08011000 SX064A000 20XS501520; OMB Control Number 1029–0024]**

## Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Procedures and Criteria for Approval or Disproval of State Program Submissions

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE) are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before June 8, 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. Please provide a copy of your comments to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556–MIB, Washington, DC 20240; or by email to *mgehlhar@osmre.gov.* Please reference OMB Control Number 1029–0024 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov,* or by telephone at (202) 208–2716. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

**SUPPLEMENTARY INFORMATION:** In accordance with the PRA and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on February 24, 2020 (85 FR 10461). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* Part 732 establishes the procedures and criteria for approval and disapproval of State program submissions. The information is used to evaluate whether State regulatory authorities are meeting the provisions of their approved programs.

*Title of Collection:* Procedures and Criteria for Approval or Disapproval of State Program Submissions.

*OMB Control Number:* 1029–0024.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* State and tribal governments.

*Total Estimated Number of Annual Respondents:* 25.

*Total Estimated Number of Annual Responses:* 30.

*Estimated Completion Time per Response:* Varies from 5 hours to 350 hours, depending on activity.

*Total Estimated Number of Annual Burden Hours:* 4,405.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* Once and annually.

*Total Estimated Annual Nonhour Burden Cost:* None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Mark J. Gehlhar,**

*Information Collection Clearance Officer, Division of Regulatory Support.*

[FR Doc. 2020–09745 Filed 5–6–20; 8:45 am]

**BILLING CODE 4310–05–P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

**[S1D1S SS08011000 SX064A000 201S180110; S2D2S SS08011000 SX064A000 20XS501520; OMB Control Number 1029–0091]**

### Agency Information Collection Activities; Requirements for Surface Coal Mining and Reclamation Operations on Indian Lands

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

**DATES:** Interested persons are invited to submit comments on or before July 6, 2020.

**ADDRESSES:** Send your comments on this information collection request (ICR) by mail to the Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556–MIB, Washington, DC 20240; or by email to *mgehlhar@osmre.gov.* Please reference OMB Control Number 1029–0091 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov,* or by telephone at 202–208–2716.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the OSMRE; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the OSMRE enhance the quality, utility, and clarity of the information to be collected; and (5) how might the OSMRE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* Surface coal mining permit applicants who conduct or propose to conduct surface coal mining and reclamation operations on Indian lands must comply with the requirements of 30 CFR 750 pursuant to Section 710 of SMCRA.

*Title of Collection:* Requirements for Surface Coal Mining and Reclamation Operations on Indian Lands.

*OMB Control Number:* 1029–0091.

*Form Number:* None.

*Type of Review:* Extension of a currently approved collection.

*Respondents/Affected Public:* Applicants for coal mining permits on Indian lands.

*Total Estimated Number of Annual Respondents:* 2.

*Total Estimated Number of Annual Responses:* 27.

*Estimated Completion Time per Response:* Varies from 206 hours to 1,355 hours, depending on activity.

*Total Estimated Number of Annual Burden Hours:* 7,000.

*Respondent's Obligation:* Retain a Benefit.

*Frequency of Collection:* Once.

*Total Estimated Annual Nonhour Burden Cost:* $34,000.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

**Mark J. Gehlhar,**

*Information Collection Clearance Officer, Division of Regulatory Support.*

[FR Doc. 2020–09744 Filed 5–6–20; 8:45 am]

**BILLING CODE 4310–05–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701–TA–643 and 731–TA–1493 (Preliminary)]**

## Small Vertical Shaft Engines From China

### Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured, by reason of imports of small vertical shaft engines from China, provided for in subheadings 8407.90.10, 8409.91.99, 8433.11.00, 8424.30.90, and 8407.90.90 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and to be subsidized by the government of China.[2]

### Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

### Background

On March 18, 2020, Briggs & Stratton Corporation, Wauwatosa, Wisconsin filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized and LTFV imports of small vertical shaft engines from China. Accordingly, effective March 18, 2020, the Commission instituted countervailing duty investigation No. 701–TA–643 and antidumping duty investigation No. 731–TA–1493 (Preliminary).

Notice of the institution of the Commission's investigations and of a conference through written testimony to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 25, 2020 (85 FR 16958). In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, the Commission conducted its conference through written questions, submissions of opening remarks and written testimony, written responses to questions, and postconference briefs. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on May 4, 2020. The views of the Commission are contained in USITC Publication 5054 (May 2020), entitled *Small Vertical Shaft Engines from China: Investigation Nos. 701–TA–643 and 731–TA–1493 (Preliminary).*

By order of the Commission.

Issued: May 4, 2020.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2020–09792 Filed 5–6–20; 8:45 am]

**BILLING CODE 7020–02–P**

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 85 FR 16958, March 25, 2020.

## DEPARTMENT OF JUSTICE

## Drug Enforcement Administration

## Isaac J. Hearne, M.D.; Decision and Order

On September 12, 2019, the Acting Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, DEA or Government), issued an Order to Show Cause (hereinafter, OSC) to Isaac J. Hearne, M.D. (hereinafter, Registrant) of Reno, Nevada. OSC, at 1. The OSC proposed the revocation of Registrant's Certificate of Registration No. BH7844500. *Id.* It alleged that Registrant does ''not have authority to handle controlled substances in Nevada, the state in which . . . [he is] registered with the DEA.'' *Id.* (citing 21 U.S.C. 823(f) and 824(a)(3)).

Specifically, the OSC alleged that, ''on August 16, 2018, the . . . [Board of Medical Examiners of the State of Nevada (hereinafter, NBME)] issued its Order of Summary Suspension whereby . . . [Registrant's] Nevada license to practice medicine . . . was suspended indefinitely.'' OSC, at 2. The OSC further alleged that ''[a]s of the date of this Order, . . . [NBME] has not in any way modified, or lifted its suspension order concerning . . . [Registrant's] medical license.'' *Id.* The OSC concluded that ''DEA must revoke . . . [Registrant's registration] based on . . . [his] lack of authority to handle controlled substances in the State of Nevada.'' *Id.*

The OSC notified Registrant of the right to request a hearing on the allegations or to submit a written statement, while waiving the right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. *Id.* (citing 21 CFR 1301.43). The OSC also notified Registrant of the opportunity to submit a corrective action plan. OSC, at 3 (citing 21 U.S.C. 824(c)(2)(C)).

### Adequacy of Service

In a Declaration dated February 11, 2020, a DEA Task Force Officer (hereinafter, TFO) assigned to the Las Vegas District Office of the Los Angeles Division stated that he, a DEA Diversion Investigator (hereinafter, DI), a DEA Special Agent (hereinafter, SA), and ''other DEA investigative personnel responded to a residential address . . . to serve'' the OSC on Registrant on December 10, 2019. Request for Final Agency Action dated February 13, 2020 (hereinafter, RFAA), Exhibit (hereinafter, EX) 10 (Declaration of DEA Task Force Officer dated February 11,

2020), at 3. TFO stated that, upon arrival at Registrant's residence, the DI gave him and the SA a photograph of Registrant and the OSC. *Id.* TFO stated that he ''knocked on the door of the residence and made contact with an elderly unknown female (hereinafter, UF).'' *Id.* TFO ''asked the UF if . . . [Registrant] was home . . . [and UF] responded that she was not certain . . . but would check . . . to see if he was there.'' *Id.* UF invited TFO and SA ''into the home and . . . [they] accepted.'' *Id.*

TFO stated that as he was ''standing in the living room at the base of the stairs leading to the second floor, . . . [he] observed the UF as she went up the stairs and approached a closed bedroom door.'' *Id.* According to TFO, ''UF knocked on the closed bedroom door . . . [and a]lmost immediately, . . . [he] saw the door partially open.'' *Id.* TFO stated that he ''positively identified . . . [Registrant] visually from the photo.'' *Id.* Then, according to TFO, Registrant ''whispered[ed] to the UF to tell DEA personnel that he was not there.'' *Id.* TFO, ''at that point . . . yelled up the stairs . . . 'I can see you!' '' *Id.* According to TFO, Registrant ''then opened the bedroom door and greeted . . . [TFO] as he walked down the stairs.'' *Id.* TFO reported that he handed the OSC to Registrant ''and explained to him that DEA was seeking revocation of his DEA certificate of registration.'' *Id.* at 4. When Registrant ''began arguing his case,'' TFO ''explained that . . . [he] was only there to serve'' the OSC on him. *Id.* TFO and SA ''asked . . . Registrant if he understood and he replied that he did.'' *Id.* TFO and SA then left Registrant's residence. *Id.*

The Government forwarded its RFAA, along with the evidentiary record, to this office on February 14, 2020. In its RFAA, the Government represented that ''Registrant has not requested a hearing within 30-days of his receipt of the . . . [OSC], nor has he corresponded in writing or otherwise with regard to his position on a hearing before DEA.'' RFAA, at 2. The Government requested that Registrant's registration be revoked.'' *Id.* at 6.

Based on TFO's Declaration, the Government's written representations, and my review of the record, I find that the Government accomplished service of the OSC on Registrant on December 10, 2019. I also find that more than thirty days have now passed since the Government accomplished service of the OSC on Registrant. Further, based on the Government's written representations and my review of the record, I find that neither Registrant, nor anyone purporting to represent Registrant, requested a hearing, submitted a written statement while waiving Registrant's right to a hearing, or submitted a corrective action plan. Accordingly, I find that Registrant has waived the right to a hearing and the right to submit a written statement and corrective action plan. 21 CFR 1301.43(d) and 21 U.S.C. 824(c)(2)(C). I, therefore, issue this Decision and Order based on the record submitted by the Government, which constitutes the entire record before me. 21 CFR 1301.43(e).

## Findings of Fact

### Registrant's DEA Registration

Registrant is the holder of DEA Certificate of Registration No. BH7844500 at the registered address of 294 E Moana Lane, Suite 22, Reno, NV 89502. RFAA, EX 1 (Facsimile of DEA Certificate of Registration Number BH7844500), at 1; RFAA, EX 2 (Certification of Registration History dated October 11, 2019), at 1. Pursuant to this registration, Registrant is authorized to dispense controlled substances in schedules 2, 2N, 3, and 3N as a practitioner. RFAA, EX 2, at 1. Registrant's registration expires on October 31, 2020 and is in an ''active pending status.'' *Id.*

### The Status of Registrant's State License and Registration

The Government submitted evidence that the Investigative Committee of the NBME filed an Order of Summary Suspension of Registrant's medical license on August 16, 2018. *Id.* at EX 3 (NBME, Order of Summary Suspension dated August 16, 2018), at 2. According to the Declaration of DI, the online records of the NBME showed that Registrant's medical license was ''revoked.'' *Id.* at EX 9 (Declaration of DEA Diversion Investigator dated January 28, 2020), at 3. According to the printout that DI obtained from her research on January 22, 2020, Registrant's medical license was revoked on or about September 23, 2019. *Id.* at EX 7 (Online Licensing Printout entitled ''Details—Nevada State Board of Medical Examiners'' for License No. 10767, dated January 22, 2020), at 1. According to the online records of the NBME, of which I take official notice, Registrant's medical license remains revoked.[1] Nevada State Board of Medical Examiners Licensee Details, *https://nsbme.mylicense.com/verification* (last visited April 28, 2020). As such, I find that Registrant's Nevada medical license is currently revoked.

The Government also submitted evidence that Registrant's Nevada controlled substance registration is no longer active. RFAA, EX 9, at 3. According to the online records of the Nevada State Board of Pharmacy queried by DI, Registrant's state controlled substance registration was ''[s]uspended by other agency.'' *Id.;* RFAA, EX 8 (Online Licensing Printout entitled ''Nevada State Board of Pharmacy—Verify License'' for controlled substance License No. CS12295, dated January 22, 2020), at 1. According to the online records of the Nevada State Board of Pharmacy, of which I take official notice, Registrant's controlled substance registration remains ''[s]uspended by other agency.''[2] Nevada State Board of Pharmacy Verify License, *https://online.nvbop.org/#/verifylicense* (last visited April 28, 2020). As such, I find that Registrant is not currently authorized to handle controlled substances in Nevada.

## Discussion

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the CSA ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper, M.D.,* 76 FR 71,371 (2011), *pet. for rev.*

[1] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' Accordingly, Registrant may dispute my finding by filing a properly supported motion for reconsideration of finding of fact within fifteen calendar days of the date of this Order. Any such motion shall be filed with the Office of the Administrator and a copy shall be served on the Government. In the event Registrant files a motion, the Government shall have fifteen calendar days to file a response. Any such motion and response may be filed and served by email (*dea.addo.attorneys@dea.usdoj.gov*) or by mail to Office of the Administrator, Attn: ADDO, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152.

[2] *See* footnote 1. If Registrant disputes this finding, he may do so according to the terms stated in footnote 1.

*denied,* 481 Fed. Appx. 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27,616, 27,617 (1978).

This rule derives from the text of two provisions of the CSA. First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . . to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever she is no longer authorized to dispense controlled substances under the laws of the state in which she practices. *See, e.g., James L. Hooper, M.D.,* 76 FR at 71,371–72; *Sheran Arden Yeates, M.D.,* 71 FR 39,130, 39,131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51,104, 51,105 (1993); *Bobby Watts, M.D.,* 53 FR 11,919, 11,920 (1988); *Frederick Marsh Blanton, M.D.,* 43 FR at 27,617.

According to Nevada statute, ''[e]very person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.'' Nev. Rev. Stat. § 630.160(1) (Westlaw, current through the end of the 80th Regular Session (2019)). Further, the phrase ''practice medicine'' includes prescribing ''for any human disease.''Nev. Rev. Stat. § 630.020(1) (Westlaw, current through the end of the 80th Regular Session (2019)). As already discussed, Registrant's medical license is currently revoked. Thus, Registrant currently is not authorized to practice medicine, including to prescribe controlled substances, in Nevada.

Nevada statute requires that ''[e]very practitioner . . . who dispenses any controlled substance within this State . . . shall obtain biennially a registration issued by the Board in accordance with its regulations.'' Nev. Rev. Stat. § 453.226(1) (Westlaw, current through the end of the 80th Regular Session (2019)). ''Practitioner'' means ''a physician . . . who holds a license to practice his or her profession in this State and is registered pursuant to [the Uniform Controlled Substances Act].'' Nev. Rev. Stat. § 453.126(1) (Westlaw, current through the end of the 80th Regular Session (2019)). ''Dispense'' means ''to deliver a controlled substance to an ultimate user . . ., including the prescribing . . . for that delivery.'' Nev. Rev. Stat. § 453.056(1) (Westlaw, current through the end of the 80th Regular Session (2019)). As already discussed, Registrant's Nevada medical license is currently revoked. Thus, Registrant is not a ''practitioner'' under Nevada law and, therefore, he is not eligible to dispense or prescribe a controlled substance in Nevada.

Here, the undisputed evidence in the record is that Registrant is not currently authorized to practice medicine or to prescribe controlled substances in Nevada. Registrant, therefore, is not currently eligible to maintain a DEA registration. Accordingly, I will order that Registrant's DEA registration be revoked.

## Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. BH7844500 issued to Isaac J. Hearne, M.D. This Order is effective June 8, 2020.

**Uttam Dhillon,**

*Acting Administrator.*

[FR Doc. 2020–09722 Filed 5–6–20; 8:45 am]

**BILLING CODE 4410–09–P**

---

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–628]**

### Bulk Manufacturer of Controlled Substances Application: Purisys, LLC

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before July 6, 2020.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.33(a), this is notice that on January 30, 2020, Purisys, LLC, 1550 Olympic Drive, Athens, Georgia 30601, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Amphetamine | 1100 | II |
| Lisdexamfetamine | 1205 | II |
| Cathinone | 1235 | I |
| Methylphenidate | 1724 | II |
| Morphine-N-Oxide | 9307 | I |
| Normophine | 9313 | I |
| Oripavine | 9330 | II |
| Thebaine | 9333 | II |
| Opium Tincture | 9630 | II |
| Oxymorphone | 9652 | II |
| Noroxymorphone | 9668 | II |
| Alfentanil | 9737 | II |
| Sufentanil | 9740 | II |
| Carfentanil | 9743 | II |
| Tapentadol | 9780 | II |
| Fentanyl | 9801 | II |

The company plans to manufacture the above-listed controlled substances to produce active pharmaceutical ingredients (API) for their prescription drug products and manufacture analytical reference standards for distribution to customers. The company also plans to use these substances for lab scale research and development activities.

**William T. McDermott,**

*Assistant Administrator.*

[FR Doc. 2020–09706 Filed 5–6–20; 8:45 am]

**BILLING CODE 4410–09–P**

---

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–638]**

### Importer of Controlled Substances Application: Novitium Pharma LLC

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturer of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before June 8, 2020. Such persons may also file a written request for a hearing on the application on or before June 8, 2020.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration,

Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.34(a), this is notice that on March 2, 2020, Novitium Pharma LLC, 70 Lake Drive, East Windsor, New Jersey 08520, applied to be registered as an importer of the following basic class(es) of controlled substances:

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Lisdexamfetamine .... | 1205 | II |

The company plans to import the listed controlled substance as a raw material for drug product development and research.

The company may import Active Pharmaceutical Ingredients (API) for research purposes only but not for the manufacturing of Food and Drug Administration-approved products. Approval of permit applications will occur only when the registrant's activity is consistent with what is authorized under 21 U.S.C. 952(a)(2).

**William T. McDermott,**

*Assistant Administrator.*

[FR Doc. 2020–09705 Filed 5–6–20; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Michael Thomas Watkins, M.D.; Decision and Order

On November 4, 2019, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, DEA or Government), issued an Order to Show Cause (hereinafter, OSC) to Michael Thomas Watkins, M.D. (hereinafter, Registrant) of Boston, Massachusetts. OSC, at 1. The OSC proposed the revocation of Registrant's Certificate of Registration No. BW0913132 and the denial of ''any applications for renewal or modification of such registration and any applications for any other DEA registrations.'' *Id.* It alleged that Registrant is ''without authority to handle controlled substances in the Commonwealth of Massachusetts, the state in which . . . [he is] registered with the DEA.'' *Id.* at 2 (citing 21 U.S.C. 824(a)(3); 21 CFR 1301.37(b)).

Specifically, the OSC alleged that, ''[o]n or about May 30, 2019, the Massachusetts Board of Registration in Medicine . . . ratified a 'Voluntary Agreement Not to Practice Medicine' that . . . [Registrant] signed on May 22, 2019, in which . . . [he] agreed to 'cease . . . [his] practice of medicine in the Commonwealth of Massachusetts effective immediately.''' OSC, at 1. The OSC further alleged that Registrant's ''Massachusetts Controlled Substances License was terminated due to the Board action'' and, ''[t]hus, . . . [he is] currently without authority to handle controlled substances in . . . the state in which . . . [he is] registered with the DEA.'' *Id.* at 2. The OSC concluded that ''DEA must revoke . . . [Registrant's] DEA registration based on . . . [his] lack of authority to handle controlled substances in the Commonwealth of Massachusetts.'' *Id.*

The OSC notified Registrant of the right to request a hearing on the allegations or to submit a written statement, while waiving the right to a hearing, the procedures for electing each option, and the consequences for failing to elect either option. *Id.* (citing 21 CFR 1301.43). The OSC also notified Registrant of the opportunity to submit a corrective action plan. OSC, at 3 (citing 21 U.S.C. 824(c)(2)(C)).

**Adequacy of Service**

In a Declaration dated February 24, 2020, a Diversion Investigator (hereinafter, DI) assigned to the New England Division, stated that she and another DI traveled to the address her investigation identified to be Registrant's home on November 12, 2019. Request for Final Agency Action dated February 26, 2020 (hereinafter, RFAA), Exhibit (hereinafter, EX) 4 (Declaration of Service of Order to Show Cause dated February 24, 2020), at 1. The DI stated that she and the other DI showed their credentials to the ''woman who answered the door'' and asked if Registrant was ''available.'' *Id.* The woman, according to the DI's Declaration, responded that Registrant ''was not home.'' *Id.* After verifying the woman's identity as Registrant's spouse, DI ''explained . . . that Registrant was being served with the . . . [OSC] and handed the . . . [OSC] to . . . [the woman] to give to Registrant.'' *Id.* The woman signed a receipt for the OSC. *Id.; see also id.* at EX 4B (signed DEA–12 receipt dated November 12, 2019), at 1. According to the DI's Declaration, the woman ''stated that she would give the documents to Registrant.'' *Id.* at EX 4, at 1.

The Government forwarded its RFAA, along with the evidentiary record, to this office on February 26, 2020. In its RFAA, the Government represented that ''[a]t least 30 days have passed since the time the Order was served on Registrant. Registrant has not requested a hearing and has not otherwise corresponded or communicated with DEA regarding the Order . . . including the filing of any written statement in lieu of a hearing.'' RFAA, at 2. The Government requested that Registrant's registration be revoked, based on his having ''no valid medical license in Massachusetts'' and his being ''without state authority to handle controlled substances in Massachusetts, the state where he is registered with DEA.'' *Id.* at 3.

Based on the DI's Declaration, the Government's written representations, and my review of the record, I find that the Government accomplished service of the OSC on Registrant on November 12, 2019. *Dale L. Taylor, M.D.,* 72 FR 30,855, 30,855 (2007) (concluding that service was sufficient when OSC and Immediate Suspension Order were left at registrant's residence with his wife); *Sajjan Gangappa Chikkannaiah, M.D.,* 54 FR 8608, 8608 (1989) (noticing OSC and Immediate Suspension Order to registrant through the **Federal Register** when family, wife, and staff were unable to provide any information on registrant's whereabouts); *Fredric J. Sloan, M.D.,* 52 FR 10,957, 10,957 (1987) (serving registrant's wife with OSC at their residence was sufficient notice to registrant).

I also find that more than thirty days have now passed since the Government accomplished service of the OSC. Further, based on the Government's written representations and my review of the record, I find that neither Registrant, nor anyone purporting to represent Registrant, requested a hearing, submitted a written statement while waiving Registrant's right to a hearing, or submitted a corrective action plan. Accordingly, I find that Registrant has waived the right to a hearing and the right to submit a written statement and corrective action plan. 21 CFR 1301.43(d) and 21 U.S.C. 824(c)(2)(C). I, therefore, issue this Decision and Order based on the record submitted by the Government, which constitutes the entire record before me. 21 CFR 1301.43(e).

**Findings of Fact**

**Registrant's DEA Registration**

Registrant is the holder of DEA Certificate of Registration No. BW0913132 at the registered address of Dept. of Surgery-Vascular-MGH, 15 Parkman Street, ACC 440, Boston, MA 02114. RFAA, EX 1 (Certification of Registration Status for DEA No. BW0913132 dated December 4, 2019), at 1. Pursuant to this registration, Registrant is authorized to dispense controlled substances in schedules II

through V as a practitioner. *Id.* Registrant's registration expires on May 31, 2020 and is in an ''active pending status.'' *Id.*

**The Status of Registrant's State License**

The Government submitted evidence that Registrant signed a ''Voluntary Agreement Not to Practice Medicine'' (hereinafter, Voluntary Agreement) on May 22, 2019. RFAA, EX 3, at 3. The Massachusetts Board of Registration in Medicine (hereinafter, MBRM) accepted the Voluntary Agreement on May 23, 2019, and ratified it on May 30, 2019. *Id.* According to the Voluntary Agreement, Registrant ceased his practice of medicine in Massachusetts ''effective immediately.'' *Id.* at 1. By signing the Voluntary Agreement, Registrant also agreed that ''[a]ny violation of this [Voluntary] Agreement shall be prima facie evidence for immediate summary suspension of my license to practice medicine.'' *Id.* According to the records of the MBRM, of which I take official notice, the Voluntary Agreement remains in effect.[1] MBRM Physician Search, *https://www.mass.gov/orgs/board-of-registration-in-medicine* (last visited April 28, 2020).[2]

**Discussion**

Pursuant to 21 U.S.C. 824(a)(3), the Attorney General is authorized to suspend or revoke a registration issued under section 823 of the CSA ''upon a finding that the registrant . . . has had his State license or registration suspended . . . [or] revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances.'' With respect to a practitioner, DEA has also long held that the possession of authority to dispense controlled substances under the laws of the state in which a practitioner engages in professional practice is a fundamental condition for obtaining and maintaining a practitioner's registration. *See, e.g., James L. Hooper, M.D.,* 76 FR 71,371 (2011), *pet. for rev. denied,* 481 Fed. Appx. 826 (4th Cir. 2012); *Frederick Marsh Blanton, M.D.,* 43 FR 27,616, 27,617 (1978).

This rule derives from the text of two provisions of the CSA. First, Congress defined the term ''practitioner'' to mean ''a physician . . . or other person licensed, registered, or otherwise permitted, by . . . the jurisdiction in which he practices . . ., to distribute, dispense, . . . [or] administer . . . a controlled substance in the course of professional practice.'' 21 U.S.C. 802(21). Second, in setting the requirements for obtaining a practitioner's registration, Congress directed that ''[t]he Attorney General shall register practitioners . . . if the applicant is authorized to dispense . . . controlled substances under the laws of the State in which he practices.'' 21 U.S.C. 823(f). Because Congress has clearly mandated that a practitioner possess state authority in order to be deemed a practitioner under the CSA, DEA has held repeatedly that revocation of a practitioner's registration is the appropriate sanction whenever she is no longer authorized to dispense controlled substances under the laws of the state in which she practices. *See, e.g., James L. Hooper, M.D.,* 76 FR at 71,371–72; *Sheran Arden Yeates, M.D.,* 71 FR 39,130, 39,131 (2006); *Dominick A. Ricci, M.D.,* 58 FR 51,104, 51,105 (1993); *Bobby Watts, M.D.,* 53 FR 11,919, 11,920 (1988); *Frederick Marsh Blanton, M.D.,* 43 FR at 27,617.

According to the Massachusetts Controlled Substances Act, ''every person who . . . dispenses . . . any controlled substance within the commonwealth shall . . . register with the commissioner of public health, in accordance with his regulations.'' Mass. Gen. Laws ch. 94C, § 7(a) (Westlaw, current through Chapter 44 of the 2020 2nd Annual Session). Further, the automatic issuance of a controlled substances registration to a physician is only required when the physician is ''duly authorized to practice his profession in the commonwealth.'' Mass. Gen. Laws ch. 94C § 7(f) (Westlaw, current through Chapter 44 of the 2020 2nd Annual Session).

Here, the undisputed evidence in the record is that Registrant voluntarily agreed to cease practicing medicine in Massachusetts.[3] According to *Julian A. Abbey, M.D.,* 72 FR 10,788, 10,788 (2007), the MBRM announced by press release dated November 9, 2005, that a ''consequence'' of a Voluntary Agreement is that the ''physician may not prescribe controlled substances.'' This result of a Voluntary Agreement is consistent with the provision of Massachusetts statute that the automatic issuance of a controlled substances registration to a physician is only required when the physician is ''duly authorized to practice his profession in the commonwealth.'' Mass. Gen. Laws ch. 94C § 7(f) (Westlaw, current through Chapter 44 of the 2020 2nd Annual Session). This result of a Voluntary Agreement is also consistent with a regulation implementing the Massachusetts Controlled Substances Act stating that a ''registration is void if the registrant's underlying professional licensure on which the registration is based is suspended or revoked.'' 105 Mass. Code Regs. § 700.120 (Westlaw, current through Register No. 1413, dated March 20, 2020).[4]

In sum, Registrant voluntarily agreed to cease practicing medicine in Massachusetts and, as a result, lacks authority in Massachusetts to handle controlled substances. He is, therefore, not eligible to maintain a DEA registration. Accordingly, I will order that Registrant's DEA registration be revoked.

**Order**

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. BW0913132 issued to Michael Thomas Watkins, M.D. This Order is effective June 8, 2020.

**Uttam Dhillon,**

*Acting Administrator.*

[FR Doc. 2020–09721 Filed 5–6–20; 8:45 am]

BILLING CODE 4410–09–P

[1] Under the Administrative Procedure Act, an agency ''may take official notice of facts at any stage in a proceeding—even in the final decision.'' United States Department of Justice, Attorney General's Manual on the Administrative Procedure Act 80 (1947) (Wm. W. Gaunt & Sons, Inc., Reprint 1979). Pursuant to 5 U.S.C. 556(e), ''[w]hen an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.'' Accordingly, Registrant may dispute my finding by filing a properly supported motion for reconsideration of finding of fact within fifteen calendar days of the date of this Order. Any such motion shall be filed with the Office of the Administrator and a copy shall be served on the Government. In the event Registrant files a motion, the Government shall have fifteen calendar days to file a response. Any such motion and response may be filed and served by email (*dea.addo.attorneys@dea.usdoj.gov*) or by mail to Office of the Administrator, Attn: ADDO, Drug Enforcement Administration, 8701 Morrissette Drive, Springfield, VA 22152.

[2] The same record from the MBRM Physician Search shows that Registrant's Massachusetts medical license expired on November 17, 2019. The RFAA does not address the expiration of Registrant's Massachusetts medical license, although evidence submitted with the RFAA about the Voluntary Agreement shows that Registrant's medical license expired. RFAA, EX 5, at 1.

[3] In addition, as already noted, MBRM's online records show that Registrant allowed his medical license to expire.

[4] Regarding 105 Mass. Code Regs. § 700.120, I note that the Massachusetts Controlled Substances Act explicitly authorizes the Public Health Commissioner to ''promulgate rules and regulations relative to registration and control of the manufacture, distribution, dispensing and possession of controlled substances within the commonwealth.'' Mass. Gen. Laws ch. 94C, § 6 (Westlaw, current through Chapter 44 of the 2020 2nd Annual Session).

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–643]**

### Importer of Controlled Substances Application: Almac Clinical Services Incorp. (ACSI)

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before June 8, 2020. Such persons may also file a written request for a hearing on the application on or before June 8, 2020.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.34(a), this is notice that on April 10, 2020, Almac Clinical Services Incorp. (ACSI), 25 Fretz Road, Souderton, Pennsylvania 18964, applied to be registered as an importer of the following basic class(es) of a controlled substance:

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Noroxymorphone ..... | 9668 | II |

The company plans to import the listed controlled substance in dosage form to conduct clinical trials.

**William T. McDermott,**

*Assistant Administrator.*

[FR Doc. 2020–09701 Filed 5–6–20; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–639]**

### Bulk Manufacturer of Controlled Substances Application: Alcami Wisconsin Corporation

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before July 6, 2020.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.33(a), this is notice that on March 13, 2020, Alcami Wisconsin Corporation, W130N10497 Washington Drive, Germantown, Wisconsin 53022–4448, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Marihuana Extract ..... | 7350 | I |
| Marihuana ..... | 7360 | I |
| Tetrahydrocannabinols ..... | 7370 | I |
| 5-Methoxy-N-N-dimethyltryptamine ..... | 7431 | I |
| Thebaine ..... | 9333 | II |
| Alfentanil ..... | 9737 | II |

The company plans to provide bulk active pharmaceutical ingredient to support clinical trials. In reference to drug codes 7350 Marihuana extract, 7360 Marihuana, and 7370 Tetrahydrocannabinols, the company plans to manufacture these substances synthetically. No other activities for these drug codes are authorized for this registration.

**William T. McDermott,**

*Assistant Administrator.*

[FR Doc. 2020–09702 Filed 5–6–20; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

**[Docket No. DEA–641]**

### Importer of Controlled Substances Application: AndersonBrecon Inc. dba PCI of Illinois

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before June 8, 2020. Such persons may also file a written request for a hearing on the application on or before June 8, 2020.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for a hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for a hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.34(a), this is notice that on March 20, 2020, AndersonBrecon Inc. dba PCI of Illinois, 5775 Logistics Parkway, Rockford, Illinois 61109–3608, applied to be registered as an importer of the following basic class(es) of a controlled substance:

| Controlled substance | Drug code | Schedule |
|---|---|---|
| Tetrahydrocannabinols | 7370 | I |

The company plans to import the listed controlled substance for clinical trial only. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

**William T. McDermott,**

*Assistant Administrator.*

[FR Doc. 2020–09707 Filed 5–6–20; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Notice Requesting Public Comment on the Proposed Methodology To Distribute Outcome Payments to States for the Unemployment Insurance (UI) Reemployment Services and Eligibility Assessments (RESEA) Program in Accordance With Title III, Section 306(f)(2) of the Social Security Act (SSA)

**AGENCY:** Employment and Training Administration (ETA), U.S. Department of Labor (Department).

**ACTION:** Request for public comment.

**SUMMARY:** The Department is seeking public comment on the proposed methodology to distribute RESEA outcome payments to states each fiscal year (FY) after FY 2020 as required by Section 306(f)(2), SSA.

**DATES:** Submit written comments to the office listed in the addresses section below on or before June 8, 2020.

**ADDRESSES:** Questions on this notice and responsive comments related to the RESEA outcome payments allocation can be submitted to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue NW, Room S–4524, Washington, DC 20210, Attention: Lawrence Burns, or by email at *DOL-ETA-UI-FRN@dol.gov.*

**FOR FURTHER INFORMATION CONTACT:** Lawrence Burns, Division of Unemployment Insurance Operations, at 202 693–3141 (this is not a toll-free number), TTY 1–877–889–5627 (this is not a toll-free number), or by email at *Burns.Lawrence@dol.gov.* The Department will respond to comments directly as necessary.

**SUPPLEMENTARY INFORMATION:** ETA proposes a three-step approach to determine whether a state is eligible for RESEA Outcome Payments. The proposed approach reflects RESEA's statutory purpose, as defined in Section 306(b)(1), SSA, to improve employment outcomes of individuals that receive unemployment compensation (UC) and to reduce the average duration of receipt of such compensation through employment. The three-step approach includes:

1. Evaluation of state reemployment performance using the RESEA program to determine if a state met or exceeded the target for the Reemployment Rate in the 2nd Quarter After Program Exit for RESEA participants performance measure;
2. Evaluation of the state's Average UI duration to determine if the state demonstrated a decrease in its average UI duration as a result of the RESEA services provided to UI claimants; and
3. Award allocation.

### I. Introduction

The federal-state UI program is a required partner in the comprehensive, integrated workforce system. Individuals who have lost employment through no fault of their own and have earned sufficient wage credits, may receive UI benefits if they meet initial and continuing eligibility requirements. Beginning in 2005, the Department and participating state workforce agencies have been addressing the individual reemployment needs of UI claimants and working to prevent and detect UI improper payments through the voluntary UI Reemployment and Eligibility Assessment (REA) program. Beginning in FY 2015, the voluntary RESEA program replaced the REA program. On February 9, 2018, the President signed the Bipartisan Budget Act of 2018 (Pub. L. 115–123) (BBA), which included amendments to the SSA creating a permanent authorization for the RESEA program. In FY 2019, a total of 50 states and jurisdictions operated a RESEA program.

The primary goals for the RESEA program are to: Improve employment outcomes for individuals that receive UC and to reduce average duration of receipt of UC through employment; strengthen program integrity and reduce improper payments; promote alignment with the broader vision of the Workforce Innovation and Opportunity Act (WIOA)—increasing program integration and service delivery for job seekers; and establish RESEA as an entry point to other workforce system partner programs for individuals receiving UC.

### II. Background

The RESEA provisions are contained in Section 30206 of the BBA, enacting Section 306 of the SSA. In addition to program requirements, Section 306 of the SSA also contains provisions for the funding of the RESEA program. The law specifies three uses and designates the proportion of annual appropriations to be assigned to these uses: (1) Base funding for states to operate the RESEA program (84 percent to 89 percent depending on the year); (2) outcome payments designed to reward states meeting or exceeding certain criteria (10 percent to 15 percent of the appropriation depending on the year); and (3) up to one percent for the Secretary of Labor to use for research and technical assistance to states. Additionally, the law requires the Department to develop a methodology to allocate and distribute base funding and outcome payments to states beginning in FY 2021.

In August 2019, ETA published a Notice in the **Federal Register** to inform states of the methodology to allocate base funding to states for the RESEA program. Details regarding the RESEA base formula allocation methodology can be found at: *https://www.federalregister.gov/documents/2019/08/08/2019-16988/allocating-grants-to-states-for-reemployment-services-and-eligibility-assessments-resea-in.* The present Notice proposes the methodology to distribute RESEA outcome payments to states.

Section 306(f)(2)(A), SSA requires ETA to make ''outcome payments'' to states that meet or exceed the outcome goals for reducing the average duration of receipt of UC by improving employment outcomes. The law specifically states:

> ''IN GENERAL.—Of the amounts made available for grants under this section for each fiscal year after 2020, the Secretary shall reserve a percentage equal to the outcome reservation percentage [1] for such fiscal year for outcome payments to increase the amount otherwise awarded to a State under paragraph (1). Such outcome payments shall be paid to States conducting reemployment services and eligibility assessments under this section that, during the previous fiscal year, met or exceeded the outcome goals provided in subsection (b)(1) related to reducing the average duration of receipt of unemployment compensation by improving employment outcomes''.

[1] Section 306(f)(2)(B), SSA defines the ''outcome reservation percentage'' as 10 percent for fiscal years 2021 through 2026 and 15 percent for fiscal years thereafter.

## III. Proposed Methodology To Determine States Eligible for Outcome Payments

ETA is proposing a three-step approach to identify eligible states for the outcome payments. To assess RESEA program performance related to employment outcomes, ETA will use the four-quarter period ending September 30. While this proposed assessment period for the outcome payments differs from the RESEA program performance year (January to December), it aligns with statutory requirements under WIOA and provides for the necessary time for data collection, reporting, and analysis.

*Step 1: RESEA Reemployment Measure*

To be considered eligible for receiving an outcome payment, a state must first meet or exceed its target for the Reemployment Rate in the 2nd Quarter After Program Exit. Data for this measure is collected through the Participant Individual Record Layout (PIRL) (ETA 9172). The PIRL framework allows states to organize data in a standardized format within the Workforce Integrated Performance System (WIPS) using various elements or data points. Additional information on the PIRL elements can be found in the DOL-only PIRL at the following link: *https://www.doleta.gov/performance/reporting/.*

Further details on the methodology of this measure are outlined in the Notice published by ETA in the **Federal Register** in May 2019 (84 FR 24, 819).

ETA will initially measure reemployment performance by adopting established targets based on the negotiated levels of performance for the Wagner-Peyser program participants. These performance targets are generated by the WIOA Statistical Adjustment Model required under Sec. 116(b)(3)(viii), of WIOA. The Department established this Statistical Adjustment Model as an objective statistical regression model to adjust individual state negotiated levels of performance using actual economic conditions and the characteristics of participants served at the end of the performance period. The model will be updated and refined with ongoing use and application as additional quarters of WIOA outcome data become available. More detailed information on the Statistical Adjustment Model is available at the Department website: *https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3430.*

ETA will announce the negotiated targets applicable to the performance period using a separate guidance. States that do not meet or exceed the criteria for this measure will be eliminated from the outcome payment pool and will not proceed to the next step of performance outcome analysis.

ETA will also continue to review and baseline RESEA data submitted by states. As data quality and reporting of the RESEA program improves, ETA will create a new statistical adjustment model that will enable the development of more refined performance targets to measure reemployment outcomes for RESEA participants only. These performance targets that are more tailored to the RESEA program will then replace the established targets based on the negotiated levels of performance for the Wagner-Peyser program participants.

*Step 2: UI Duration*

States that meet or exceed the target established for the RESEA Reemployment Measure (Step 1) must also demonstrate reduced average UI duration. Average UI duration is defined as ''The number of weeks compensated for the year divided by the number of first payments in the year.'' [2] The performance period used to evaluate UI duration will be the same four-quarter period ending September 30 as the reemployment measure, and will be computed using data reported by states on the ETA 5159 Report.

Because UI duration can be impacted by factors such as changes in the economy or state laws, it is necessary to use a regression model to achieve consistency across states. Therefore, ETA has developed a regression model to estimate a state's average duration that incorporates state-specific explanatory variables. The following variables allow the model to develop state estimates for UI duration that are unique to a state based on its localized economic conditions:

- Total Unemployment Rate—the number of unemployed people as a percentage of the labor force; [3]
- Potential Duration of UI benefits—the number of full weeks of benefits for which a claimant is eligible within a benefit year; [4]
- UI Exhaustion Rate—the average monthly exhaustions divided by the average monthly first payments; [5]
- Average state weekly benefit amount payment—the total amount of benefits paid divided by the total number of weeks compensated; [6] and
- Year-to-year change in payroll employment (nonfarm payroll)—the total number of persons on establishment payrolls employed full or part time who received pay for any part of the pay period which includes the 12th day of the month.[7]

The regression model generates the estimated average UI duration for each state and compares it to each state's actual average UI duration. If a state's actual average UI duration is lower than the state's estimated average UI duration provided by the regression model, the state will have demonstrated a reduction in UI duration. A state that does not demonstrate a reduction in UI duration as described above will be eliminated from the outcome payment pool. The regression model will be updated each year to incorporate changing state conditions.

*Step 3: Award Allocation*

Once the pool of eligible states is identified after completing Steps 1 and 2, ETA will distribute the funds reserved for outcome payments. The same methodology used to calculate RESEA base funding, as outlined in the Notice in the **Federal Register** announcing the RESEA base allocation formula (84 FR 39018), will be applied to calculate the amounts to distribute as outcome payments to eligible states. The base allocation formula uses two primary input variables:

- State Average Insured Unemployment Rate—the number of unemployed persons as a percent of the labor force (employed and unemployed persons); [8] and
- Civilian Labor Force—all people age 16 and older who are classified as employed or unemployed. In other words, the labor force level is the number of people who are either working or actively looking for work.[9]

By adopting the base formula allocation, outcome payments will be proportional to the size of the RESEA program operated in each awarded state.

## IV. Outcome Payments Distribution Timeline

Section 306(f)(2)(A), of the SSA, requires the Department to make outcome payments based on RESEA outcomes reported for the previous fiscal year starting in FY 2020. There are

[2] *https://oui.doleta.gov/unemploy/content/data_stats/datasum99/4thqtr/gloss.asp.*

[3] *https://www.bls.gov/cps/cps_htgm.htm#definitions.*

[4] *https://wdr.doleta.gov/directives/attach/ETAH/ETHand401_5th.pdf,* page I–2–24, Section 2(B)(a).

[5] *https://oui.doleta.gov/unemploy/content/data_stats/datasum99/4thqtr/gloss.asp.*

[6] *https://wdr.doleta.gov/directives/attach/ETAH/ETHand401_5th.pdf,* page I–6–59, Section 2(B)(a)(1).

[7] *https://www.bls.gov/bls/glossary.htm#P.*

[8] *https://www.bls.gov/cps/uiclaims.htm.*

[9] *https://www.bls.gov/cps/definitions.htm#laborforce.*

several timing issues associated with calculation of the performance to enable the outcome payments. First, the period of performance for RESEA is January 1 through December 31. The reemployment outcomes data has a four-quarter lag (three quarters for reemployment outcomes to be available, and one quarter for state reporting). In order to allow time for necessary data collection and analysis, the distribution of funds will occur in December of the FY following the year in which the RESEA grant funds are awarded. For example, the outcome payments for FY 2020 will be made to states by December 31, 2021 (note that the UI and RESEA programs have five quarters to distribute funding in any fiscal year). The following schedule applies to the 2020 performance period:

- Data for performance period October 2019 through September 2020 is available for ETA review in November 2021;
- Once performance data is available, the pool of eligible states will be determined using the methodology outlined in Section III above; and
- Outcome payments will be distributed no later than December 2021.

Questions or comments concerning the proposed methodology for RESEA outcome payments must be submitted using the instructions set out in the **ADDRESSES** section above. Submitted comments will be a matter of public record and can posted on the internet, without redaction. The Department encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments. It is the responsibility of the commenter to determine what is personal or confidential business information.

Signed in Washington, DC.

**John Pallasch,**

*Assistant Secretary for Employment and Training.*

[FR Doc. 2020–09803 Filed 5–6–20; 8:45 am]

**BILLING CODE 4510–FW–P**

## DEPARTMENT OF LABOR

### Labor Advisory Committee for Trade Negotiations and Trade Policy

**AGENCY:** Bureau of International Labor Affairs, Department of Labor.

**ACTION:** Notice of Charter renewal.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (FACA), the Secretary of Labor and the United States Trade Representative have determined that renewal of the Labor Advisory Committee for Trade Negotiations and Trade Policy is necessary and in the public interest.

**DATES:** May 24, 2020.

**FOR FURTHER INFORMATION CONTACT:** Anne M. Zollner, Designated Federal Official and Division Chief, Trade Policy and Negotiations, Office of Trade and Labor Affairs, Bureau of International Labor Affairs, Department of Labor, Frances Perkins Building, Room S–5317, 200 Constitution Ave. NW, Washington, DC 20210, telephone (202) 693–4890, *zollner.anne@dol.gov.*

**SUPPLEMENTARY INFORMATION:** The Committee will be chartered pursuant to section 135(c)(1) and (2) of the Trade Act of 1974, 19 U.S.C. 2155(c)(1) and (2), as amended and Executive Order 11846 of March 27, 1975, 3 CFR, 1971–1975 Comp., p. 971 (which delegates certain Presidential responsibilities conferred in section 135 of the Trade Act of 1974 to the United States Trade Representative).

The Labor Advisory Committee for Trade Negotiations and Trade Policy consults with and makes recommendations to the Secretary of Labor and the United States Trade Representative on general policy matters concerning labor and trade negotiations, operations of any trade agreement once entered into, and other matters arising in connection with the administration of the trade policy of the United States.

The current Charter expires on May 23, 2020. The renewal of the charter of the Labor Advisory Committee for Trade Negotiations and Trade Policy is necessary and in the public interest, as the Committee will provide information that cannot be obtained from other sources. The Committee will provide its views to the Secretary of Labor and the Unites States Trade Representative through the Bureau of International Labor Affairs of the U.S. Department of Labor. The Committee is to be comprised of no more than 30 members representing the labor community.

The Committee will meet at irregular intervals at the call of the Secretary of Labor and the United States Trade Representative.

Signed at Washington, DC, this 1st day of May 2020.

**Martha E. Newton,**

*Deputy Undersecretary, Bureau of International Labor Affairs.*

[FR Doc. 2020–09769 Filed 5–6–20; 8:45 am]

**BILLING CODE 4510–28–P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Humanities

### Meeting of National Council on the Humanities

**AGENCY:** National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, notice is hereby given that the National Council on the Humanities will meet to review applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965 and make recommendations thereon to the Chairman of the National Endowment for the Humanities (NEH).

**DATES:** The meeting will be held on Friday, May 8, 2020, from 3:00 p.m. until 3:45 p.m.

**ADDRESSES:** The meeting will be held via teleconference originating from NEH, 400 7th Street SW, Washington, DC 20506.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, 4th Floor, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

**SUPPLEMENTARY INFORMATION:** The National Council on the Humanities is meeting pursuant to the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951–960, as amended). The meeting will begin with remarks from the Chairman, after which the National Council on the Humanities will hear reports on and consider applications related to the distribution of NEH CARES Act funding and other agency funding to the state of Iowa.

The meeting will be closed to the public pursuant to sections 552b(c)(4), 552b(c)(6), and 552b(c)(9)(B) of Title 5 U.S.C., as amended, because it will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, and discussion of certain information, the premature disclosure of which could significantly frustrate implementation of proposed agency action. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: May 1, 2020.

**Caitlin Cater,**

*Attorney Advisor, National Endowment for the Humanities.*

[FR Doc. 2020–09709 Filed 5–6–20; 8:45 am]

**BILLING CODE 7536–01–P**

## POSTAL REGULATORY COMMISSION

**[Docket Nos. MC2020–127 and CP2020–134]**

### New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* May 11, 2020.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

**SUPPLEMENTARY INFORMATION:**

### Table of Contents

I. Introduction
II. Docketed Proceeding(s)

### I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

### II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2020–127 and CP2020–134; *Filing Title:* USPS Request to Add Priority Mail Contract 613 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* May 1, 2020; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 *et seq.,* and 39 CFR 3035.105; *Public Representative:* Christopher C. Mohr; *Comments Due:* May 11, 2020.

This Notice will be published in the **Federal Register**.

**Erica A. Barker,**

*Secretary.*

[FR Doc. 2020–09798 Filed 5–6–20; 8:45 am]

**BILLING CODE P**

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

## POSTAL REGULATORY COMMISSION

**[Docket No. MC2020–126; Order No. 5499]**

### Market Dominant Products

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing requesting the removal of Customized Postage from the Mail Classification Schedule. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* May 18, 2020.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

**SUPPLEMENTARY INFORMATION:**

### Table of Contents

I. Introduction
II. Summary of Changes
III. Notice of Commission Action
IV. Ordering Paragraphs

### I. Introduction

On May 1, 2020, the Postal Service filed a formal request to remove Customized Postage from the Mail Classification Schedule (MCS).[1] To support its Request, the Postal Service filed a copy of the Governors' Decision authorizing the request, a Statement of Supporting Justification required by 39 CFR 3040.132, and proposed changes to the MCS.

### II. Summary of Changes

The Customized Postage program offers customers the ability to personalize postage indicia using the customers' own images or text. Request at 1. The program was established in 2004 as a revenue-generating mechanism and is only offered through authorized vendors. *Id.* The Postal Service requires that authorized vendors adopt the eligibility criteria set forth in 39 CFR 501.21(b) to ensure the images included in the customized indicia are both appropriate for the program and protective of the Postal Service's legal, financial, and brand interests. *Id.* at 2. The Postal Service retains the right under 39 CFR 501.21(c)(7) to suspend or revoke a vendor's authorization if it determines the Customized Postage products constitute an unacceptable business risk. *Id.*

The Postal Service asserts that over time, the eligibility criteria have become the source of customer complaints and the subject of legal disputes. *Id.* As such, the Postal Service recently reevaluated the Customized Postage program to determine whether its benefits outweigh the business risks. *Id.* Its assessment found that the demand

[1] Request of the United States Postal Service to Remove Customized Postage from the Mail Classification Schedule, May 1, 2020 (Request).

and revenue for the Customized Postage program has steadily declined in recent years. *Id.* The Postal Service also determined that the number of requests for new authorizations has also declined, and as of June 16, 2020, no authorized vendors will remain for the Customized Postage program. *Id.* The Postal Service states that the revenue from the Customized Postage program has also declined by approximately $11 million from FY 2017 to FY 2019. *Id.* at 3. The Postal Service states that it believes it would have received the majority of the revenue even in absence of the Customized Postage program. *Id.* Therefore, the Postal Service determined that the business risks of the Customized Postage program outweigh the declining benefits of the program. *Id.*

The Postal Service maintains that the removal of the Customized Postage program would only minimally impact consumers and small businesses. *Id.* It notes that demand for the program has been weak and continually declining, and notes that there are several alternatives to Customized Postage in the Postal Service's existing offerings. *Id.* at 3–4.

The Postal Service states that it has considered whether removal of the Customized Postage program is consistent with the factors and objectives of section 3622 as required by 39 CFR 3040.132(b). *Id.* at 4. It maintains that ''none of the factors and objectives of 39 U.S.C. 3622 are directly applicable'' to removal of the Customized Postage program but that it is ''nonetheless consistent with the spirit of Section 3622.'' *Id.* at 4.

## III. Notice of Commission Action

Pursuant to 39 CFR 3040.133, the Commission has posted the Request on its website and invites comments on whether the Postal Service's filings are consistent with 39 CFR 3040.321. Comments are due no later than May 18, 2020. The filing can be accessed via the Commission's website (*http://www.prc.gov*).

The Commission appoints Richard A. Oliver to represent the interests of the general public (Public Representative) in this docket.

## IV. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. MC2020–126 to consider matters raised by the Notice.

2. Comments by interested persons are due by May 18, 2020.

3. Pursuant to 39 U.S.C. 505, Richard A. Oliver is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

4. The Commission directs the Secretary of the Commission to arrange for prompt publication of this notice in the **Federal Register**.

By the Commission.

**Erica A. Barker,**

*Secretary.*

[FR Doc. 2020–09802 Filed 5–6–20; 8:45 am]

BILLING CODE 7710–FW–P

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

*Extension:*

Rule 203A–2(d), SEC File No. 270–630, OMB Control No. 3235–0689

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

The title of the collection of information is: ''Exemption for Certain Multi-State Investment Advisers (Rule 203A–2(d)).'' Its currently approved OMB control number is 3235–0689. 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.

Pursuant to section 203A of the Investment Advisers Act of 1940 (the ''Act'') (15 U.S.C. 80b–3a), an investment adviser that is regulated or required to be regulated as an investment adviser in the state in which it maintains its principal office and place of business is prohibited from registering with the Commission unless that adviser has at least $25 million in assets under management or advises a Commission-registered investment company. Section 203A also prohibits from Commission registration an adviser that: (i) Has assets under management between $25 million and $100 million; (ii) is required to be registered as an investment adviser with the state in which it maintains its principal office and place of business; and (iii) if registered, would be subject to examination as an adviser by that state (a ''mid-sized adviser''). A mid-sized adviser that otherwise would be prohibited may register with the Commission if it would be required to register with 15 or more states. Similarly, Rule 203A–2(d) under the Act (17 CFR 275.203a–2(d)) provides that the prohibition on registration with the Commission does not apply to an investment adviser that is required to register in 15 or more states. An investment adviser relying on this exemption also must: (i) Include a representation on Schedule D of Form ADV that the investment adviser has concluded that it must register as an investment adviser with the required number of states; (ii) undertake to withdraw from registration with the Commission if the adviser indicates on an annual updating amendment to Form ADV that it would be required by the laws of fewer than 15 states to register as an investment adviser with the state; and (iii) maintain in an easily accessible place a record of the states in which the investment adviser has determined it would, but for the exemption, be required to register for a period of not less than five years from the filing of a Form ADV relying on the rule.

Respondents to this collection of information are investment advisers required to register in 15 or more states absent the exemption that rely on rule 203A–2(d) to register with the Commission. The information collected under rule 203A–2(d) permits the Commission's examination staff to determine an adviser's eligibility for registration with the Commission under this exemptive rule and is also necessary for the Commission staff to use in its examination and oversight program. This collection of information is codified at 17 CFR 275.203a–2(d) and is mandatory to qualify for and maintain Commission registration eligibility under rule 203A–2(d). Responses to the recordkeeping requirements under rule 203A–2(d) in the context of the Commission's examination and oversight program are generally kept confidential.

The estimated number of investment advisers subject to the collection of information requirements under the rule is 106. These advisers will incur an average one-time initial burden of approximately 8 hours, and an average ongoing burden of approximately 8 hours per year, to keep records sufficient to demonstrate that they meet the 15-state threshold. These estimates are based on an estimate that each year an investment adviser will spend

approximately 0.5 hours creating a record of its determination whether it must register as an investment adviser with each of the 15 states required to rely on the exemption, and approximately 0.5 hours to maintain these records. Accordingly, we estimate that rule 203A–2(d) results in an annual aggregate burden of collection for SEC-registered investment advisers of a total of 848 hours. Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, C/O Cynthia Roscoe, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: May 4, 2020.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–09796 Filed 5–6–20; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

*Extension:*

Rule 0–2, Form ADV–NR, SEC File No. 270–214, OMB Control No. 3235–0240

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The title for the collection of information is ''Rule 0–2 and Form ADV–NR under the Investment Advisers Act of 1940.'' Rule 0–2 and Form ADV–NR facilitate service of process on a non-resident investment adviser, or on a non-resident general partner or non-resident managing agent of an investment adviser. Form ADV–NR designates the Secretary of the Commission, among others, as the non-resident general partner's or non-resident managing agent's agent for service of process. The collection of information is necessary for us to obtain appropriate consent to permit the Commission and other parties to bring actions against non-resident partners and agents for violations of the federal securities laws and to enable the commencement of legal and/or regulatory actions against investment advisers that are doing business in the United States, but are not residents.

The respondents to this information collection would be each non-resident general partner or non-resident managing agent of an SEC-registered investment adviser and each non-resident general partner or non-resident managing agent of an exempt reporting adviser. The Commission has estimated that compliance with the requirement to complete Form ADV–NR imposes a total burden of approximately 1.0 hours for an adviser. Based on our experience with these filings, we estimate that we will receive 53 Form ADV–NR filings annually. Based on the 1.0 hours per respondent estimate, the Commission staff estimates a total annual burden of 53 hours for this collection of information.

Rule 0–2 and Form ADV–NR do not require recordkeeping or records retention. The collection of information requirements under the rule and form is mandatory. The information collected pursuant to Rule 0–2 and Form ADV–NR is a filing with the Commission. This filing is not kept confidential and must be preserved until at least three years after termination of the enterprise. 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.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication. An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

Please direct your written comments to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, C/O Cynthia Roscoe, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: May 4, 2020.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–09797 Filed 5–6–20; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–88795; File No. SR–CboeBZX–2020–036]**

### Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend Rule 14.11, Other Securities

May 1, 2020.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 29, 2020, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The 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.

## I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes rule changes in several places in Exchange Rule 14.11, Other Securities, to amend the initial period after commencement of trading of an ETP, as defined below, on the Exchange as it specifically relates to holders of record and/or beneficial holders. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to make several changes to Rule 14.11 in order to amend the continued listing standards applicable to ETPs [3] listed on the Exchange. Specifically, the Exchange is proposing to amend its rules such that they would provide additional time for an ETP to meet the applicable Beneficial Holders [4] standards in the Exchange's listing rules (the ''Beneficial Holders Rules'').[5]

Currently, the Exchange's continued listing standards for ETPs generally require that, following the initial 12 month period after commencement of trading on the Exchange, the Exchange shall consider the suspension of trading in and will commence delisting proceedings under Rule 14.12 for an ETP for which there are fewer than 50 Beneficial Holders for 30 or more consecutive trading days. The Exchange is proposing to change the date at which an ETP would need to have at least 50 Beneficial Holders or be subject to delisting proceedings under Rule 14.12 from 12 months after commencement of trading on the Exchange to 36 months after commencement of trading on the Exchange.

As further described below, the Exchange believes it is appropriate to increase the period of time for an ETP to comply with the applicable Beneficial Holders Rule from 12 months to 36 months because: (i) It would bring the rule more in line with the life cycle of an ETP; (ii) the economic and competitive structures in place in the ETP ecosystem naturally incentivize issuers to de-list products rather than continuing to list products that do not garner investor interest; and (iii) extending the period from 12 to 36 months will not meaningfully impact the manipulation concerns that the Beneficial Holders Rules are intended to address.

First, the ETP space is more competitive than it has ever been—with more than 2,000 ETPs listed on U.S. national securities exchanges competing for investor assets, the natural cycle for an average ETP to gain traction in the market is growing longer and longer. As more and more ETPs have come to market, many distribution platforms have become more restrictive about the ETPs that they allow on their systems, often requiring a minimum existing track record (*e.g.,* at least 12 months) and meeting certain thresholds for assets under management (*e.g.,* at least $100 million) for an ETP to be added. Similarly, many larger entities are unwilling to invest in ETPs that do not have at least one calendar year track record. All of these factors have contributed to the natural slowing of the average ETP's growth cycle and, unsurprisingly, the Exchange has seen a significant number of deficiencies based on a failure to meet the applicable Beneficial Holders Rule over the last several years.[6]

Changing the timeline for meeting the Beneficial Holders Rules from 12 months to 36 months would provide ETPs with a more reasonable runway to establish a track record and grow assets under management, both of which generally precede the accumulation of Beneficial Holders. Further, the Exchange believes that extending that runway will encourage smaller issuers to make the necessary capital expenditures to launch additional ETPs, as well as help both large and small issuers by allowing them to continue to list and promote products that they believe can succeed and that they are willing to continue paying for, all of which will help to foster competition and innovation in the ETP marketplace.[7]

Second, the economic and competitive structures in place in the ETP ecosystem naturally incentivize issuers to de-list products rather than continuing to list products that do not garner investor interest, meaning that the rule does not provide any meaningful ''pruning'' function for the industry. Rather, the Exchange has found that, as currently constructed, the 12 month Beneficial Holders Rules have instead resulted in the forced termination of ETPs that issuers believed were still economically viable. While some observers might argue that forced delisting of an ETP based on a failure to meet the Beneficial Holders Rule is a good way to reduce the number of ETPs in the marketplace that have not drawn meaningful market interest, the Exchange vehemently disagrees with this sentiment. First, there are significant costs associated with both the initial launch and continued operation of an ETP and the Exchange has found that the ecosystem

[3] For the purpose of this filing, the term ETP means securities listed pursuant to Rule 14.11(c) (Index Fund Shares), Rule 14.11(i) (Managed Fund Shares), and Rule 14.11(l) (Exchange-Traded Fund Shares (''ETF Shares'')).

[4] As it relates to this filing, ''Beneficial Holders'' shall mean beneficial holders and, where applicable in a particular continued listing standard, record holders.

[5] The Exchange notes that its Rules related to the listing and trading of other product types (that is, products that are not ETPs as defined above) have similar requirements related to Beneficial Holders which the Exchange is not proposing to eliminate at this time. Specifically, the Exchange is only proposing to amend the Beneficial Holders Rules as it pertains to Index Fund Shares, Managed Fund Shares, and ETF Shares because such product types represent the vast majority of products listed on the Exchange. The Exchange may consider proposing to amend the Beneficial Holders Rules for other product types in a future proposal.

[6] The Exchange has issued deficiency notifications to 34 ETPs for non-compliance with Beneficial Holders Rules in the last five years. In addition, 22 ETPs have voluntarily delisted within their first year listed on the Exchange. While this isn't specifically attributable to non-compliance with the Beneficial Holder Rules, the most likely reasons for voluntarily delisting an ETP in its first year would be either: (i) Failure or anticipated failure to meet the Beneficial Holders Rules; or (ii) the issuer believing that the ETP was not economically viable.

[7] The Exchange notes that of the 34 ETPs that received deficiency notifications for non-compliance with Beneficial Holders Rules, 27 reached compliance while going through the delisting process under Rule 14.12 and continued to list on the Exchange. As such, the 12 month threshold for the Beneficial Holders Rules had no meaningful impact on whether such ETPs could list on the Exchange and only served as regulatory and administrative burdens for issuers to manage, which the Exchange believes makes it more difficult for smaller issuers to compete.

tends to prune itself of ETPs without meaningful investor interest. In fact, the Exchange has had 69 products that have voluntarily delisted in the last two years,[8] creating meaningful turnover in products which issuers believe are not economically viable. Second, the Exchange contests the underlying assumption that the number of Beneficial Holders is even a meaningful measure of market interest in an ETP. While a very high Beneficial Holder count would most certainly indicate an ETP's success, the absence of Beneficial Holders is not necessarily a good measure of market interest or the amount of assets held by the ETP.

Further to this point, the Beneficial Holders Rules are not rules that an ETP issuer is incentivized to cut close or exceed by the smallest amount possible. Unlike most other quantitative or disclosure based listing requirements, an ETP issuer is incentivized to have as many Beneficial Holders as possible and would almost certainly prefer that they were able to meet and exceed the applicable Beneficial Holders Rule as soon as possible after beginning trading on the Exchange. As such, extending the time period from 12 months to 36 months will not provide issuers with a longer window to intentionally keep the number of Beneficial Holders lower, but, rather, will only extend the period during which an ETP could have fewer than 50 Beneficial Holders in specific instances where an issuer is unable to meet the 50 Beneficial Holders threshold but still believes that the ETP is viable and worth the cost of continued operation. Again, it takes money and resources to launch and operate an ETP and where an issuer does not believe that an ETP is economically viable, both common sense and prior experience point to issuers delisting these products.

Finally, the Exchange believes that making this change does not create any significant change in the risk of manipulation for ETPs listed on the Exchange for several reasons. First, the Exchange does not believe that there is anything particularly important about the 50th Beneficial Holder that reduces the manipulation risk associated with an ETP as compared to the 49th, nor is there any manipulation concern that arises on the 366th day after an ETP began trading on the Exchange that didn't otherwise exist on the 1st, 2nd, or 365th day. Rather, the Exchange believes that the rule is generally intended to ensure that products that do not have broad ownership and could be susceptible to manipulation by a few parties are not able to list on the Exchange after they've had sufficient time to diversify their ownership base. Leaving aside the issue of whether an open-ended ETP with creation and redemption processes would really be subject to manipulation by virtue of narrow ownership, the Exchange believes that, for all of the reasons explained above, 36 months is a more appropriate amount of time to consider sufficient time to diversify an ETP's ownership base.

Further to this point, the Exchange has in place a robust surveillance program for ETPs that allows it to monitor trading of ETPs during all trading sessions on the Exchange and it believes are sufficient to deter and detect violations of Exchange rules and the applicable federal securities laws. These surveillances generally focus on detecting securities trading outside of their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations. Further, the Exchange or the Financial Industry Regulatory Authority (''FINRA''),[9] on behalf of the Exchange, or both, communicate as needed regarding trading in ETPs with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG''), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information in ETPs from such markets and other entities. The Exchange believes that these robust surveillance procedures will further act to mitigate any manipulation concerns that arise from extending the compliance period for the Beneficial Holders Rules from 12 months to 36 months.

The Exchange also believes that the other continued listing standards in the Exchange's rules or representations that constitute continued listing standards in Exchange rule filings (either the disclosure obligations applicable under Rule 6c–11 of the Investment Company Act of 1940 for series of ETF Shares or the diversity, liquidity, and size of an ETP's holdings or reference assets applicable to Index Fund Shares and Managed Fund Shares) are generally sufficient to mitigate manipulation concerns associated with the applicable ETP. During the first 12 months of trading on the Exchange when the Beneficial Holders Rules do not apply, these disclosure and quantitative obligations, in conjunction with the Exchange's surveillance program (as discussed above), are generally deemed sufficient to prevent any manipulation concerns in Exchange-listed ETPs. As such, the Exchange believes that extending the period from 12 months to 36 months does not significantly increase any risk of manipulation that wasn't already generally deemed acceptable for the first 12 months that an ETP was listed. Again, the Exchange is not proposing to eliminate the Beneficial Holders Rules, but merely to extend the period for an ETP to meet the 50 Beneficial Holder requirement.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act[10] in general and Section 6(b)(5) of the Act[11] in particular in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed rule changes are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest because it would prevent the premature delisting of ETPs that have not had sufficient time to build up to 50 Beneficial Holders without significantly impacting the manipulation concerns that the Beneficial Holders Rules are intended to address.

The Exchange believes it is appropriate to increase the period of time for an ETP to comply with the applicable Beneficial Holders Rule from 12 months to 36 months because: (i) It would bring the rule more in line with the life cycle of an ETP; (ii) the economic and competitive structures in place in the ETP ecosystem naturally incentivize issuers to de-list products rather than continuing to list products that do not garner investor interest; and (iii) extending the period from 12 to 36 months will not meaningfully impact the manipulation concerns that the Beneficial Holders Rules are intended to address.

[8] There are currently 357 ETPs listed on the Exchange, meaning that there's been a nearly 20% voluntary turnover of ETPs listed on the Exchange over the last two years.

[9] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(5).

First, the ETP space is more competitive than it has ever been—with more than 2,000 ETPs listed on U.S. national securities exchanges competing for investor assets, the natural cycle for an average ETP to gain traction in the market is growing longer and longer. As more and more ETPs have come to market, many distribution platforms have become more restrictive about the ETPs that they allow on their systems, often requiring a minimum existing track record (*e.g.,* at least 12 months) and meeting certain thresholds for assets under management (*e.g.,* at least $100 million) for an ETP to be added. Similarly, many larger entities are unwilling to invest in ETPs that do not have at least one calendar year track record. All of these factors have contributed to the natural slowing of the average ETP's growth cycle and, unsurprisingly, the Exchange has seen a significant number of deficiencies based on a failure to meet the applicable Beneficial Holders Rule over the last several years.[12]

Changing the timeline for meeting the Beneficial Holders Rules from 12 months to 36 months would provide ETPs with a more reasonable runway to establish a track record and grow assets under management, both of which generally precede the accumulation of Beneficial Holders. Further, the Exchange believes that extending that runway will encourage smaller issuers to make the necessary capital expenditures to launch additional ETPs, as well as help both large and small issuers by allowing them to continue to list and promote products that they believe can succeed and that they are willing to continue paying for, all of which will help to foster competition and innovation in the ETP marketplace.[13]

Second, the economic and competitive structures in place in the ETP ecosystem naturally incentivize issuers to de-list products rather than continuing to list products that do not garner investor interest, meaning that the rule does not provide any meaningful ''pruning'' function for the industry. Rather, the Exchange has found that, as currently constructed, the 12 month Beneficial Holders Rules have instead resulted in the forced termination of ETPs that issuers believed were still economically viable. While some observers might argue that forced delisting of an ETP based on a failure to meet the Beneficial Holders Rule is a good way to reduce the number of ETPs in the marketplace that have not drawn meaningful market interest, the Exchange vehemently disagrees with this sentiment. First, there are significant costs associated with both the initial launch and continued operation of an ETP and the Exchange has found that the ecosystem tends to prune itself of ETPs without meaningful investor interest. In fact, the Exchange has had 69 products that have voluntarily delisted in the last two years,[14] creating meaningful turnover in products which issuers believe are not economically viable. Second, the Exchange contests the underlying assumption that the number of Beneficial Holders is even a meaningful measure of market interest in an ETP. While a very high Beneficial Holder count would most certainly indicate an ETP's success, the absence of Beneficial Holders is not necessarily a good measure of market interest or the amount of assets held by the ETP.

Further to this point, the Beneficial Holders Rules are not rules that an ETP issuer is incentivized to cut close or exceed by the smallest amount possible. Unlike most other quantitative or disclosure based listing requirements, an ETP issuer is incentivized to have as many Beneficial Holders as possible and would almost certainly prefer that they were able to meet and exceed the applicable Beneficial Holders Rule as soon as possible after beginning trading on the Exchange. As such, extending the time period from 12 months to 36 months will not provide issuers with a longer window to intentionally keep the number of Beneficial Holders lower, but, rather, will only extend the period during which an ETP could have fewer than 50 Beneficial Holders in specific instances where an issuer is unable to meet the 50 Beneficial Holders threshold but still believes that the ETP is viable and worth the cost of continued operation. Again, it takes money and resources to launch and operate an ETP and where an issuer does not believe that an ETP is economically viable, both common sense and prior experience point to issuers delisting these products.

Finally, the Exchange believes that making this change does not create any significant change in the risk of manipulation for ETPs listed on the Exchange for several reasons. First, the Exchange does not believe that there is anything particularly important about the 50th Beneficial Holder that reduces the manipulation risk associated with an ETP as compared to the 49th, nor is there any manipulation concern that arises on the 366th day after an ETP began trading on the Exchange that didn't otherwise exist on the 1st, 2nd, or 365th day. Rather, the Exchange believes that the rule is generally intended to ensure that products that do not have broad ownership and could be susceptible to manipulation by a few parties are not able to list on the Exchange after they've had sufficient time to diversify their ownership base. Leaving aside the issue of whether an open-ended ETP with creation and redemption processes would really be subject to manipulation by virtue of narrow ownership, the Exchange believes that, for all of the reasons explained above, 36 months is a more appropriate amount of time to consider sufficient time to diversify an ETP's ownership base.

Further to this point, the Exchange has in place a robust surveillance program for ETPs that allows it to monitor trading of ETPs during all trading sessions on the Exchange and it believes are sufficient to deter and detect violations of Exchange rules and the applicable federal securities laws. These surveillances generally focus on detecting securities trading outside of their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations. Further, the Exchange or the FINRA,[15] on behalf of the Exchange, or both, communicate as needed regarding trading in ETPs with other markets and other entities that are

[12] The Exchange has issued deficiency notifications to 34 ETPs for non-compliance with Beneficial Holders Rules in the last five years. In addition, 22 ETPs have voluntarily delisted within their first year listed on the Exchange. While this isn't specifically attributable to non-compliance with the Beneficial Holder Rules, the most likely reasons for voluntarily delisting an ETP in its first year would be either: (i) Failure or anticipated failure to meet the Beneficial Holders Rules; or (ii) the issuer believing that the ETP was not economically viable.

[13] The Exchange notes that of the 34 ETPs that received deficiency notifications for non-compliance with Beneficial Holders Rules, 27 reached compliance while going through the delisting process under Rule 14.12 and continued to list on the Exchange. As such, the 12 month threshold for the Beneficial Holders Rules had no meaningful impact on whether such ETPs could list on the Exchange and only served as regulatory and administrative burdens for issuers to manage, which the Exchange believes makes it more difficult for smaller issuers to compete.

[14] There are currently 357 ETPs listed on the Exchange, meaning that there's been a nearly 20% voluntary turnover of ETPs listed on the Exchange over the last two years.

[15] FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information in ETPs from such markets and other entities. The Exchange believes that these robust surveillance procedures will further act to mitigate any manipulation concerns that arise from extending the compliance period for the Beneficial Holders Rules from 12 months to 36 months.

The Exchange also believes that the other continued listing standards in the Exchange's rules or representations that constitute continued listing standards in Exchange rule filings (either the disclosure obligations applicable under Rule 6c–11 of the Investment Company Act of 1940 for series of ETF Shares or the diversity, liquidity, and size of an ETP's holdings or reference assets applicable to Index Fund Shares and Managed Fund Shares) are generally sufficient to mitigate manipulation concerns associated with the applicable ETP. During the first 12 months of trading on the Exchange when the Beneficial Holders Rules do not apply, these disclosure and quantitative obligations, in conjunction with the Exchange's surveillance program (as discussed above), are generally deemed sufficient to prevent any manipulation concerns in Exchange-listed ETPs. As such, the Exchange believes that extending the period from 12 months to 36 months will not significantly increase any risk of manipulation that wasn't already generally deemed acceptable for the first 12 months that an ETP was listed. Again, the Exchange is not proposing to eliminate the Beneficial Holders Rules, but merely to extend the period for an ETP to meet the 50 Beneficial Holder requirement.

The proposed rule change is also designed to protect investors and the public interest because the Exchange is only proposing to amend the continued listing requirement related to Beneficial Holders and all ETPs listed on the Exchange would continue to be subject to the full panoply of Exchange rules and procedures that currently govern the trading of equity securities on the Exchange.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

*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 purpose of the Act. Instead, the Exchange believes that the proposed rule change would help to encourage smaller issuers to make the necessary capital expenditures to launch additional ETPs, as well as help both large and small issuers by allowing them to continue to list and promote products that they believe can succeed and that they are willing to continue paying for, which will enhance competition among market participants, to the benefit of investors and the marketplace.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be 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–CboeBZX–2020–036 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–CboeBZX–2020–036. 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–CboeBZX–2020–036, and should be submitted on or before May 28, 2020.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–09712 Filed 5–6–20; 8:45 am]

**BILLING CODE 8011–01–P**

---

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. IA–5493]**

## Notice of Intention To Cancel Registration Pursuant to Section 203(H) of the Investment Advisers Act of 1940

May 1, 2020.

Notice is given that the Securities and Exchange Commission (the ''Commission'') intends to issue an order, pursuant to Section 203(h) of the Investment Advisers Act of 1940 (the ''Act''), cancelling the registration of Cheswold Lane Asset Management, LLC [File No. 801–6664], hereinafter referred to as the ''registrant.''

Section 203(h) provides, in pertinent part, that if the Commission finds that any person registered under Section 203, or who has pending an application for registration filed under that section,

[16] 17 CFR 200.30–3(a)(12).

is no longer in existence, is not engaged in business as an investment adviser, or is prohibited from registering as an investment adviser under section 203A, the Commission shall by order, cancel the registration of such person.

The registrant has not filed a Form ADV amendment with the Commission as required by rule 204–1 under the Act and appears to be no longer in business as an investment adviser or is otherwise not engaged in business as an investment adviser.[1] Accordingly, the Commission believes that reasonable grounds exist for a finding that this registrant is no longer eligible to be registered with the Commission as an investment adviser and that the registration should be cancelled pursuant to section 203(h) of the Act.

Notice is also given that any interested person may, by May 25, 2020, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the cancellation, accompanied by a statement as to the nature of his or her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, and he or she may request that he or she be notified if the Commission should order a hearing thereon. Any such communication should be emailed to the Commission's Secretary at *Secretarys-Office@sec.gov.*

At any time after May 25, 2020, the Commission may issue an order cancelling the registration, upon the basis of the information stated above, unless an order for a hearing on the cancellation shall be issued upon request or upon the Commission's own motion. Persons who requested a hearing, or who requested to be advised as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. Any adviser whose registration is cancelled under delegated authority may appeal that decision directly to the Commission in accordance with rules 430 and 431 of the Commission's rules of practice (17 CFR 201.430 and 431).

**ADDRESSES:** The Commission: *Secretarys-Office@sec.gov.*

**FOR FURTHER INFORMATION CONTACT:** Olawalé Oriola, Senior Counsel at 202–551–6541; SEC, Division of Investment Management, Investment Adviser Regulation Office, 100 F Street NE, Washington, DC 20549–8549.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.[2]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–09708 Filed 5–6–20; 8:45 am]

**BILLING CODE 8011–01–P**

[1] Rule 204–1 under the Act requires any adviser that is required to complete Form ADV to amend the form at least annually and to submit the amendments electronically through the Investment Adviser Registration Depository.

[2] 17 CFR 200.30–5(e)(2).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–88793; File Nos. SR–NYSE–2020–13, SR–NYSENAT–2020–09, SR–NYSEArca–2020–17, SR–NYSEAMER–2020–12; SR–NYSECHX–2020–06]**

## Self-Regulatory Organizations; New York Stock Exchange LLC; NYSE National, Inc.; NYSE Arca, Inc.; NYSE American LLC; NYSE Chicago, Inc.; Order Granting Approval of Proposed Rule Changes Relating to Repricing of Depth-of-Book Orders in Response to a Locked or Crossed Market

May 1, 2020.

### I. Introduction

On February 28, 2020, New York Stock Exchange LLC (''NYSE''), NYSE National, Inc. (''NYSE National''), NYSE Arca, Inc. (''NYSE Arca''), NYSE American LLC (''NYSE American''), and NYSE Chicago Inc. (''NYSE CHX'', and collectively, the ''Exchanges'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] proposed rule changes regarding their rules on the re-pricing of orders in certain market situations and related rules relevant to each Exchange. The proposed rule changes were published for comment in the **Federal Register** on March 18, 2020.[3] The Commission has received no comments on the proposed rule changes. The Commission is approving the proposed rule changes.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 88362 (March 12, 2020), 85 FR 15538 (SR–NYSE–2020–13) (''NYSE Notice''); 88368 (March 12, 2020), 85 FR 15510 (SR–NYSENAT–2020–09); 88369 (March 12, 2020), 85 FR 15515 (SR–NYSEArca–2020–17) (''NYSE Arca Notice''); 88363 (March 12, 2020), 85 FR 15544 (SR–NYSEAMER–2020–12) (''NYSE American Notice''); 88367 (March 12, 2020), 85 FR 15551 (SR–NYSECHX–2020–06) (collectively, the ''Notices''). For ease of reference, page citations in this order are from the NYSE Notice, as published in the **Federal Register**.

### II. Description of the Proposed Rule Change

Each Exchange's current rules provide that, if an away market (''Away Market'') updates its Protected Best Bid and Offer (''PBBO'') and crosses not only the BBO of the Exchange, but also displayed orders in the Exchange's Book not represented in the Best Bid or Offer (''BBO''), (*i.e.,* depth-of-book orders), and then the Exchange's BBO cancels or trades, the Exchange will not disseminate its next-best priced depth-of-book order as its new BBO to the securities information processor (''SIP''). Instead, the Exchange will reprice such order before it is disseminated to the SIP.[4]

For example, consider a scenario where NYSE's Best Bid (''BB'') is $10.05, and on the NYSE Book there is an order to buy 100 shares ranked as a Priority 2—Display Order at $10.04 (''Order A''). Currently, Order A is displayed in the NYSE's proprietary depth-of-book market data at that $10.04 price, but is not disseminated to the SIP. If an Away Market subsequently publishes a Protected Best Offer (''PBO'') of $10.03, NYSE's BB of $10.05 will not reprice (*i.e.,* it will ''stand its ground''). However, if that $10.05 BB trades, cancels, or routes, NYSE will not disseminate Order A to the SIP as the new BB at $10.04. Instead, Order A will be assigned a display price of $10.02 and a NYSE working price of $10.03, which is equal to the Away Market PBO, and will be disseminated to the SIP as the NYSE BB at $10.02. Order A subsequently will be repriced to $10.04 once the Away Market PBO no longer locks or crosses the NYSE BB. Each time Order A is repriced, including back to its original price, it is assigned a new working time. In addition, NYSE currently applies this repricing functionality to other order types (specifically, D Orders and Primary Pegged Orders), and following an auction.[5]

The Exchanges propose to eliminate their existing rules requiring the repricing functionality described above, and to add new rule text that provides that, if an Away Market locks or crosses the BBO, the Exchange would not change the display price of any Limit

[4] *See* NYSE Notice, 85 FR at 15538–39.

[5] *See id.* The rules of the other Exchanges do not provide for D Orders, but, except for NYSE American, they do provide for Primary Pegged Orders and apply the same repricing functionality to those orders. Similarly, the other Exchanges that provide for auctions on their markets (NYSE American and NYSE Arca) apply the same repricing functionality following an auction; NYSE CHX and NYSE National do not have auctions on their markets.

Order ranked Priority 2—Display Orders (which would include previously displayed depth-of-book orders) and that any such orders would be eligible to be disseminated as the Exchange's BBO.[6] As a result, in the example set forth above, Order A instead would not be repriced before being displayed and disseminated to the SIP following the prior Exchange BB being executed or cancelled.[7] Accordingly, Order A would be disseminated to the SIP as the Exchange's new BB at $10.04, even if that price would cross the Away Market Protected Bid of $10.03.[8] The Exchanges also propose other changes to their rules related to this proposal, as further described below.

*Odd-Lot Orders*

The Exchanges propose to extend the same processing of orders, discussed above, to odd-lot orders. Currently, the working and display prices of odd-lot orders are bound by the PBBO, which means that resting odd-lot orders can be repriced if the PBBO changes or becomes locked or crossed. Under the proposals, odd-lot sized orders would be priced in the same manner as orders of a round-lot size or higher.[9]

*Reserve Orders*

The Exchanges also propose several related changes for the processing of Reserve Orders. First, in a scenario when the PBBO is crossed and the display quantity of a resting, non-routable Reserve Order is decremented to an odd-lot size, the Exchanges propose that the display price and working price of the remaining odd-lot quantity of the Reserve Order would not change.[10] The Exchanges state that this proposed change is consistent with the above-described changes establishing how resting, displayed orders, including odd-lot sized orders, will be disseminated to the SIP.

However, the Exchanges propose that the reserve interest that replenishes the display quantity (which interest was not previously displayed) would be assigned a display price one MPV below (above) the PBO (PBB) and a working price equal to the PBO (PBB). Because this is the first time such interest would be displayed, the Exchanges propose to adjust the display and working price so that the replenished quantity would not lock or cross the Away Market, which is the same manner in which an arriving Non-Routable Limit Order is priced.[11] Similarly, the Exchanges propose that the working price of the reserve interest of resting Reserve Orders that are not displayed be adjusted in the same manner that the working price of Non-Displayed Limit Orders are adjusted.[12]

*Trading After UTP Regulatory Halts or Auctions*

Finally, the Exchanges propose changes to their order processing rules following UTP Regulatory Halts or auctions, if the PBBO becomes locked or crossed, as described in further detail below.

Specifically, when transitioning to continuous trading following a UTP Regulatory Halt, the Exchanges' proposals provide that before publishing a quote, previously-entered orders would be routed (if routable) or cancelled (if non-routable) if such orders would be marketable against protected quotations on Away Markets.[13]

When transitioning to continuous trading following an auction on NYSE—and, on NYSE American and NYSE Arca, following specifically an auction not preceded by continuous trading[14]—before publishing a quote, these Exchanges would also route (if routable), or cancel (if not routable), any orders that are marketable against a PBBO on an Away Market (except for Primary Pegged Orders on NYSE and NYSE Arca, D Orders on NYSE, and, during a Short Sale Price Test, sell short orders on all three exchanges). Then, the Exchanges would (i) trade any orders that are marketable against any other orders on their book; (ii) replenish the display quantity of any Reserve Orders, (iii) assign Primary Pegged and D Orders (for those Exchanges, where applicable) a display and working price as noted above, provided that if the PBBO is locked or crossed or if there is no PBBO to peg to, they would be cancelled; and (iv) price any sell short orders (for the Exchanges, where applicable) to a Permitted Price.[15]

On NYSE American and NYSE Arca, to specify how orders would be processed before publishing a quote when transitioning from a prior trading session or following the Core Open or Closing Auction, which are transitions preceded by continuous trading and where the exchange has a published quote immediately preceding the transition, these Exchanges propose that those displayed orders are eligible be disseminated to the SIP at their then-current price.[16] These Exchanges state that this proposed change is consistent with the other proposed changes, described above, about how orders will be disseminated to the SIP even if crossed by an Away Market.[17]

Because of the technology changes associated with these proposed rule changes, the Exchanges propose to announce the implementation date of the proposed rule changes by Trader Update and to implement these changes in Spring 2020.

## III. Discussion and Commission Findings

After careful consideration of the proposed rule changes, the Commission finds that the Exchanges' proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges. In particular, the Commission finds that

[6] *See* NYSE Notice, 85 FR at 15540.

[7] Because such resting orders no longer would be repriced if locked or crossed by an Away Market, such orders would not need to be assigned new working times and would therefore retain priority at their original price. *See id.*

[8] The Exchanges also propose that Primary Pegged Orders and D Orders (where applicable, as noted in *supra* note 5) not be subject to the repricing functionality, but propose instead that such orders be eligible to trade at their current working price; however, they would wait for a PBBO that is not locked or crossed before the display and working price of those orders are adjusted. *See* NYSE Notice, 85 FR at 15540–41.

[9] *See* NYSE Notice, 85 FR at 15542.

[10] The Exchanges propose this change only for non-routable Reserve Orders, stating that it is not necessary for routable Reserve Orders because when such orders replenish, the replenish quantity is evaluated for routing to Away Markets (*i.e.,* it would be routed) and thus would not be displayed at a price that crosses an Away Market. *See id.*

[11] *See, e.g.,* NYSE Rule 7.31(e)(1) (describing how an arriving Non-Routable Limit Order is priced).

[12] *See, e.g.,* NYSE Rule 7.31(d)(2)(A) (describing how the working price of a Non-Displayed Limit Orders is adjusted). If the limit price of a Non-Displayed Limit Order to buy (sell) is at or below (above) the PBO (PBB), it will have a working price equal to the limit price. If the limit price of a Non-Displayed Limit Order to buy (sell) is above (below) the PBO (PBB), it will have a working price equal to the PBO (PBB).

[13] *See* NYSE Notice, 85 FR at 15541.

[14] Such auctions include a Trading Halt Auction, a Closing Auction if not preceded by continuous trading, and an IPO Auction on NYSE American. With respect to auctions preceded by continuous trading on NYSE American and NYSE Arca, see next paragraph.

[15] *See, e.g.,* NYSE Rule 7.16(f)(5) (describing the Permitted Price for sell short orders).

[16] To effect this change, NYSE American proposes to amend Rule 7.35E(h)(3)(A)(i)—its provision governing transitioning from a prior trading session or following the Early Open Auction, Core Open Auction, or Closing Auction—by specifying that it applies only to such auctions if preceded by continuous trading, and deleting its last clause, which provides that, if the new published quote is worse than the previously-published quote and would lock or cross the PBBO, the display price of Limit Orders will be adjusted in accordance with the rule describing the repricing functionality that is proposed to be deleted. NYSE Arca proposes to make the equivalent amendment to its Rule 7.35–E(h)(3)(A)(i). NYSE American and NYSE Arca also propose a non-substantive change to their respective definitions of ''previously-live orders''.

[17] *See* NYSE Arca Notice, *supra* note 3, 85 FR at 15518.

the Exchanges' proposed rule changes are consistent with Section 6(b)(5) of the Act,[18] which requires that the rules of an exchange be designed, among other things, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers or dealers.

The Exchanges state that their proposed rule changes will make their rules consistent with the rules and functionalities of other exchanges.[19] Accordingly, the proposals remove impediments to and perfect the mechanism of a free and open market and are not designed to permit unfair discrimination to the extent that they promote consistency among the rules of the equity exchanges regarding how orders are priced, processed, and disseminated to the SIP. Based on the foregoing, the Commission therefore finds that the proposed rule changes are consistent with the Act.[20]

## IV. Conclusion

*It is therefore ordered,* pursuant to Section 19(b)(2) of the Act,[21] that the proposed rule changes (SR–NYSE–2020–13, SR–NYSENAT–2020–09, SR–NYSEArca–2020–17, SR–NYSEAMER–2020–12; and SR–NYSECHX–2020–06) be, and hereby are approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2020–09711 Filed 5–6–20; 8:45 am]

**BILLING CODE 8011–01–P**

[18] 15 U.S.C. 78f(b)(5).

[19] *See* NYSE Notice, 85 FR at 15543. *See also* IEX Rules 11.190(h)(3)(A)(i) and (h)(3)(B)(i), and LTSE Rules 11.190(g)(3)(A)(i) and (g)(3)(B)(i).

[20] In approving these proposed rule changes, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[21] 15 U.S.C. 78s(b)(2).

[22] 17 CFR 200.30–3(a)(12).

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

**[Docket Number USTR–2020–0019]**

## Generalized System of Preferences (GSP): Notice Regarding the 2020 GSP Annual Product Review

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Office of the United States Trade Representative (USTR) has accepted petitions submitted in connection with the 2020 GSP Annual Product Review for further review. Due to COVID–19, the GSP Subcommittee of the Trade Policy Staff Committee will foster public participation via written submissions rather than an in-person hearing. This notice includes the schedule for submission of comments and responses to questions from the GSP Subcommittee, on all petitions that USTR accepted for the 2020 GSP Annual Product Review.

**DATES:**

*May 27, 2020 at 11:59 p.m. EDT:* Deadline for submission of written comments on petitions accepted for the 2020 GSP Annual Product Review.

*June 16, 2020 at 11:59 p.m. EDT:* Deadline for the GSP Subcommittee to pose questions on written comments.

*June 30, 2020 at 11:59 p.m. EDT:* Deadline for submission of commenters' responses to questions from the GSP Subcommittee.

*July 10, 2020 at 11:59 p.m. EDT:* Deadline for replies from other interested parties to the written comments and responses to questions.

*July 22, 2020 at 11:59 p.m. EDT:* Deadline for the GSP Subcommittee to pose additional questions on written comments.

*August 5, 2020 at 11:59 p.m. EDT:* Deadline for submission of responses to any additional questions from the GSP Subcommittee.

**ADDRESSES:** USTR strongly prefers electronic submissions made through the Federal eRulemaking portal: *http://www.regulations.gov* (*Regulations.gov*). Follow the instructions for submitting comments below. The docket number is USTR–2020–0019. For alternatives to online submissions, please contact Claudia Chlebek in advance of the relevant deadline at *gsp@ustr.eop.gov* or 202–395–2974.

**FOR FURTHER INFORMATION CONTACT:** Claudia Chlebek at *gsp@ustr.eop.gov* or 202–395–2974.

**SUPPLEMENTARY INFORMATION:**

### A. Background

The GSP program provides for the duty-free importation of designated articles when imported from designated beneficiary developing countries. The GSP program is authorized by Title V of the Trade Act of 1974 (19 U.S.C. 2461–2467), as amended, and is implemented in accordance with Executive Order 11888 of November 24, 1975, as modified by subsequent Executive Orders and Presidential Proclamations.

### B. Petitions Requesting Modifications of GSP Product Eligibility

On March 2, 2020 (85 FR 12381), USTR announced the 2020 GSP Annual Review to consider petitions to modify the list of products that are eligible for duty-free treatment under the GSP program and petitions to waive competitive need limitations (CNLs) on imports of certain products from specific beneficiary countries. The GSP Subcommittee considered the product and CNL waiver petitions submitted in response to this announcement.

USTR has decided to accept for review several petitions seeking to add or remove products from GSP eligibility for all GSP beneficiary countries. USTR posted a list of petitions and products accepted for review on the USTR website at: *https://ustr.gov/sites/default/files/IssueAreas/gsp/2020_GSP_Annual_Review-Petitions_Accepted_for_Review.pdf* under the title ''2020 GSP Annual Review—Petitions Accepted for Review. You also can find this list at *Regulations.gov* in Docket Number USTR–2020–0019. Acceptance of a petition only indicates that the subject of the petition warranted further consideration and that a review of the requested action will take place. The U.S. International Trade Commission also will review the selected petitions and provide a report to USTR on the probable economic effects of adding or removing products from GSP eligibility during the 2020 GSP Annual Review. The President will proclaim any modifications to the list of articles eligible for duty-free treatment under the GSP resulting from the 2020 GSP Annual Product Review by November 1, 2020.

### C. Public Participation

Due to COVID–19, the GSP Subcommittee will foster public participation via written submissions rather than an in-person hearing on all petitions USTR accepted for the 2020 GSP Annual Product Review. USTR invites public comments on these petitions according to the schedule set out in the Dates section above. The GSP Subcommittee will review comments and replies to comments, if any, and may ask clarifying questions to commenters. The GSP Subcommittee will post the questions it asks on the public docket, other than questions that include properly designated business confidential information (BCI). USTR will send questions that include properly designated BCI to the relevant commenters by email, and will not post

these questions on the public docket. Replies to questions that contain BCI must follow the procedures in section E below.

**D. Requirements for Submissions**

To ensure consideration, interested parties must submit comments and responses to GSP Subcommittee questions electronically via *Regulations.gov* by the applicable deadlines in the **DATES** section above. The docket number is USTR–2020–0019. All submissions must be in English. USTR will not accept hand-delivered submissions.

To submit a comment using *Regulations.gov*, enter docket number USTR–2020–0019 in the 'search for' field on the home page and click 'search.' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting 'notice' under 'document type' in the 'filter results by' section on the left side of the screen and click on the link entitled 'comment now.' *Regulations.gov* offers the option of providing comments by filling in a 'type comment' field or by attaching a document using the 'upload file(s)' field. USTR prefers that you provide submissions in an attached document and, in such cases, that you write 'see attached' in the 'type comment' field, on the online submission form. At the beginning of the submission, include the following text: (1) 2020 GSP Annual Product Review; (2) the relevant product's HTSUS tariff number; (3) organization name; and (4) whether the document is a comment, a reply to a comment, or an answer to a GSP Subcommittee question. Written comments should not exceed 30 single-spaced, standard letter-size pages in 12-point type, including attachments. Include any data attachments to the submission in the same file as the submission itself, and not as separate files.

When you complete the submission procedure at *Regulations.gov*, you will receive a tracking number confirming successful transmission into *Regulations.gov*. USTR is not able to provide technical assistance for *Regulations.gov*. USTR may not consider documents that you do not submit in accordance with these instructions. If unable to provide submissions as requested, please contact Claudia Chlebek in advance of the relevant deadline at *gsp@ustr.eop.gov* or 202–395–2974.

**E. Business Confidential (BCI) Submissions**

An interested party requesting that USTR treat information contained in a submission as BCI must certify that the information is business confidential and would not customarily be released to the public by the submitter. You must clearly designate BCI by marking the submission ''BUSINESS CONFIDENTIAL'' at the top and bottom of the cover page and on each succeeding page, and indicating, via brackets, the specific information that is BCI. Additionally, you must include 'business confidential' in the 'type comment' field and add the designation BCI to the end of the file name for any attachments. For any submission containing BCI, you must separately submit a non-confidential version, *i.e.,* not as part of the same submission with the BCI version, indicating where confidential information has been redacted. USTR will post the non-confidential version in the docket for public inspection.

**F. Public Viewing of Review Submissions**

Submissions in response to this notice, except for information granted business confidential status under 15 CFR 2003.6, will be available for public viewing pursuant to 15 CFR 2007.6 at *Regulations.gov* upon completion of processing, usually within two weeks of the relevant due date or the date of the submission. USTR will make public versions of all documents relating to these reviews available for public viewing in docket number USTR–2020–0019 at *Regulations.gov* upon completion of processing.

**Edward Gresser,**

*Chair of the Trade Policy Staff Committee, Office of the United States Trade Representative.*

[FR Doc. 2020–09781 Filed 5–6–20; 8:45 am]

**BILLING CODE 3290–F0–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2013–0109; FMCSA–2013–0442; FMCSA–2013–0443; FMCSA–2018–0051]**

### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions for eight individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

**DATES:** Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before June 8, 2020.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2013–0109, Docket No. FMCSA–2013–0442, Docket No. FMCSA–2013–0443, or Docket No. FMCSA–2018–0051 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* 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:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

## I. Public Participation

*A. Submitting Comments*

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2013–0109, Docket No. FMCSA–2013–0442, Docket No. FMCSA–2013–0443, or Docket No. FMCSA–2018–0051), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2013–0109, FMCSA–2013–0442, FMCSA–2013–0443, or FMCSA–2018–0051, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

*B. Viewing Documents and Comments*

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2013–0109, FMCSA–2013–0442, FMCSA–2013–0443, or FMCSA–2018–0051 in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

*C. Privacy Act*

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

## II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The eight individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

## III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

## IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the eight applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The eight drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption period. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System and the Motor Carrier Management Information System are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of May and are discussed below.

As of May 19, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following five individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Jeffrey Ballweg (WI)
Ronald Hartl (WI)
Craig Hoisington (NH)
Raymond Lobo (NJ)
Peter Thompson (FL)

The drivers were included in docket numbers FMCSA–2013–0109; FMCSA–2013–0442; FMCSA–2013–0443. Their exemptions are applicable as of May 19, 2020, and will expire on May 19, 2022.

As of May 30, 2020, and in accordance with 49 U.S.C. 31136(e) and

[1] These criteria may be found in Appendix A to Part 391—Medical Advisory Criteria, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers: Nathan Kanouff (GA) and Joe L. King, Jr. (NC).

The drivers were included in docket number FMCSA–2018–0051. Their exemptions are applicable as of May 30, 2020, and will expire on May 30, 2022.

## V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

## VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

## VII. Conclusion

Based on its evaluation of the eight exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2020–09754 Filed 5–6–20; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–1999–5578; FMCSA–2001–11426; FMCSA–2003–15892; FMCSA–2003–16564; FMCSA–2004–17195; FMCSA–2005–23099; FMCSA–2007–27897; FMCSA–2008–0021; FMCSA–2009–0303; FMCSA–2009–0321; FMCSA–2010–0050; FMCSA–2011–0298; FMCSA–2011–0378; FMCSA–2011–0379; FMCSA–2011–0380; FMCSA–2012–0040; FMCSA–2012–0104; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0348; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0025; FMCSA–2016–0027; FMCSA–2017–0028; FMCSA–2018–0011]**

### Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 58 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

**DATES:** Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before June 8, 2020.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–1999–5578, Docket No. FMCSA–2001–11426, Docket No. FMCSA–2003–15892, Docket No. FMCSA–2003–16564, Docket No. FMCSA–2004–17195, Docket No. FMCSA–2005–23099, Docket No. FMCSA–2007–27897, Docket No. FMCSA–2008–0021, Docket No. FMCSA–2009–0303, Docket No. FMCSA–2009–0321, Docket No. FMCSA–2010–0050, Docket No. FMCSA–2011–0298, Docket No. FMCSA–2011–0378, Docket No. FMCSA–2011–0379, Docket No. FMCSA–2011–0380, Docket No. FMCSA–2012–0040, Docket No. FMCSA–2012–0104, Docket No. FMCSA–2013–0029, Docket No. FMCSA–2013–0165, Docket No. FMCSA–2013–0168, Docket No. FMCSA–2013–0169, Docket No. FMCSA–2013–0170, Docket No. FMCSA–2013–0174, Docket No. FMCSA–2014–0002, Docket No. FMCSA–2014–0003, Docket No. FMCSA–2014–0004, Docket No. FMCSA–2015–0071, Docket No. FMCSA–2015–0072, Docket No. FMCSA–2015–0348, Docket No. FMCSA–2015–0351, Docket No. FMCSA–2016–0024, Docket No. FMCSA–2016–0025, Docket No. FMCSA–2016–0027, Docket No. FMCSA–2017–0028, or Docket No. FMCSA–2018–0011 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* 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:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

**SUPPLEMENTARY INFORMATION:**

## I. Public Participation

### *A. Submitting Comments*

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–1999–5578; FMCSA–2001–11426; FMCSA–2003–15892; FMCSA–2003–16564; FMCSA–2004–17195; FMCSA–2005–23099; FMCSA–2007–27897; FMCSA–2008–0021; FMCSA–2009–0303; FMCSA–2009–0321; FMCSA–2010–0050; FMCSA–2011–0298; FMCSA–2011–0378; FMCSA–2011–0379; FMCSA–2011–0380; FMCSA–2012–0040; FMCSA–2012–0104; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–

2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0348; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0025; FMCSA–2016–0027; FMCSA–2017–0028; FMCSA–2018–0011), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–1999–5578; FMCSA–2001–11426; FMCSA–2003–15892; FMCSA–2003–16564; FMCSA–2004–17195; FMCSA–2005–23099; FMCSA–2007–27897; FMCSA–2008–0021; FMCSA–2009–0303; FMCSA–2009–0321; FMCSA–2010–0050; FMCSA–2011–0298; FMCSA–2011–0378; FMCSA–2011–0379; FMCSA–2011–0380; FMCSA–2012–0040; FMCSA–2012–0104; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0348; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0025; FMCSA–2016–0027; FMCSA–2017–0028; FMCSA–2018–0011, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

*B. Viewing Documents and Comments*

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–1999–5578; FMCSA–2001–11426; FMCSA–2003–15892; FMCSA–2003–16564; FMCSA–2004–17195; FMCSA–2005–23099; FMCSA–2007–27897; FMCSA–2008–0021; FMCSA–2009–0303; FMCSA–2009–0321; FMCSA–2010–0050; FMCSA–2011–0298; FMCSA–2011–0378; FMCSA–2011–0379; FMCSA–2011–0380; FMCSA–2012–0040; FMCSA–2012–0104; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0348; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0025; FMCSA–2016–0027; FMCSA–2017–0028; FMCSA–2018–0011, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

*C. Privacy Act*

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

## II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 58 individuals listed in this notice have requested renewal of their exemptions from the vision standard in § 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

## III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

## IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 58 applicants has satisfied the renewal conditions for obtaining an exemption from the vision standard (see 64 FR 27027; 64 FR 51568; 66 FR 48504; 67 FR 10471; 67 FR 19798; 68 FR 54775; 68 FR 61860; 68 FR 74699; 68 FR 75715; 69 FR 10503; 69 FR 17263; 69 FR 19611; 69 FR 31447; 70 FR 53412; 71 FR 4194; 71 FR 6829; 71 FR 13450; 71 FR 16410; 71 FR 19604; 71 FR 27033; 72 FR 39879; 72 FR 52419; 72 FR 62896; 73 FR 8392; 73 FR 9158; 73 FR 11989; 73 FR 15567; 73 FR 27014; 73 FR 27015; 73 FR 28186; 74 FR 41971; 74 FR 43222; 74 FR 60022; 75 FR 1451; 75 FR 1835; 75 FR 4623; 75 FR 8184; 75 FR 9482; 75 FR 9484; 75 FR 13653; 75 FR 14656; 75 FR 19674; 75 FR 27622; 75 FR 27623; 75 FR 28682; 76 FR 54530; 76 FR 70213; 76 FR 75942; 77 FR 541; 77 FR 7233; 77 FR 10606; 77 FR 15184; 77 FR 17107; 77 FR 17109; 77 FR 17115; 77 FR 19749; 77 FR 22838; 77 FR 23797; 77 FR 23799;

77 FR 26816; 77 FR 27845; 77 FR 27847; 77 FR 27849; 77 FR 27850; 77 FR 29447; 77 FR 33558; 77 FR 38386; 78 FR 34143; 78 FR 47818; 78 FR 52602; 78 FR 63302; 78 FR 63307; 78 FR 64274; 78 FR 67454; 78 FR 76705; 78 FR 77778; 78 FR 77780; 78 FR 78477; 79 FR 1908; 79 FR 4803; 79 FR 6993; 79 FR 10606; 79 FR 10607; 79 FR 10608; 79 FR 14328; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 15794; 79 FR 17641; 79 FR 18391; 79 FR 18392; 79 FR 21996; 79 FR 22003; 79 FR 23797; 79 FR 27043; 79 FR 27365; 79 FR 28588; 79 FR 29495; 79 FR 29498; 80 FR 48402; 80 FR 67472; 80 FR 67481; 80 FR 70060; 80 FR 80443; 81 FR 6573; 81 FR 11642; 81 FR 15401; 81 FR 16265; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 21647; 81 FR 21655; 81 FR 26305; 81 FR 28136; 81 FR 28138; 81 FR 52516; 81 FR 66718; 81 FR 66724; 81 FR 66731; 81 FR 91239; 83 FR 2306; 83 FR 4537; 83 FR 6681; 83 FR 15195; 83 FR 24146; 83 FR 24151; 83 FR 24571; 83 FR 24585; 83 FR 28332; 83 FR 34677). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at § 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past 2 years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of June and are discussed below. As of June 2, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 40 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 27027; 64 FR 51568; 66 FR 48504; 67 FR 10471; 67 FR 19798; 68 FR 54775; 68 FR 61860; 68 FR 74699; 68 FR 75715; 69 FR 10503; 69 FR 19611; 70 FR 53412; 71 FR 6829; 71 FR 16410; 71 FR 19604; 72 FR 39879; 72 FR 52419; 72 FR 62896; 73 FR 8392; 73 FR 11989; 73 FR 15567; 73 FR 27014; 73 FR 27015; 74 FR 41971; 74 FR 43222; 75 FR 1451; 75 FR 1835; 75 FR 8184; 75 FR 9482; 75 FR 13653; 75 FR 19674; 75 FR 27622; 76 FR 54530; 76 FR 70213; 76 FR 75942; 77 FR 541; 77 FR 7233; 77 FR 10606; 77 FR 17107; 77 FR 17115; 77 FR 19749; 77 FR 22838; 77 FR 23797; 77 FR 26816; 78 FR 34143; 78 FR 47818; 78 FR 52602; 78 FR 63302; 78 FR 63307; 78 FR 64274; 78 FR 67454; 78 FR 76705; 78 FR 77778; 78 FR 77780; 78 FR 78477; 79 FR 1908; 79 FR 4803; 79 FR 6993; 79 FR 10606; 79 FR 10607; 79 FR 10608; 79 FR 14328; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 15794; 79 FR 17641; 79 FR 18391; 79 FR 18392; 79 FR 22003; 79 FR 23797; 79 FR 28588; 79 FR 29498; 80 FR 48402; 80 FR 67472; 80 FR 67481; 80 FR 70060; 80 FR 80443; 81 FR 6573; 81 FR 11642; 81 FR 15401; 81 FR 16265; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 21647; 81 FR 21655; 81 FR 26305; 81 FR 28136; 81 FR 52516; 81 FR 66718; 81 FR 66724; 81 FR 66731; 81 FR 91239; 83 FR 2306; 83 FR 4537; 83 FR 6681; 83 FR 15195; 83 FR 24146; 83 FR 24151; 83 FR 24571; 83 FR 28332):

Stanley W. Ahne (OK)
Ronald D. Boeve (MI)
Samuel S. Byler (PA)
Darrell Canupp (MI)
Mark Castleman (MN)
Valentin S. Chernyy (NE)
Cody W. Christian (OK)
Lee A. DeHaan (SD)
Eric C. Dettrey (NJ)
David L. Dykes (FL)
Shorty M. Ellis (NC)
Robin S. England (GA)
Juan Gallo-Gomez (CT)
Gregory T. Garris (OK)
Jerry L. Gray (AL)
James R. Hammond (OH)
Edward W. Hosier (MO)
Michael J. Hoskins (KS)
Nathan H. Jacobs (NM)
Roger W. Kerns (IA)
Christopher B. Liston (TN)
Michael S. Maki (MN)
Stanley B. Marshall (GA)
Stephen R. Marshall (MS)
Roberto C. Mendez (TX)
Jack D. Miller (OH)
John E. Nichols (PA)
Andrew M. Nurnberg (GA)
Juan C. Ramirez (OH)
Joshua A. Rhynd (ME)
Danny L. Rolfe (ME)
Ryan R. Ross (SC)
John Rueckert (SD)
Mark A. Sanders (OK)
Joseph W. Schmit (NE)
Dale L. Schneider (IA)
Larry W. Slinker (VA)
Richard M. Smith (CO)
James A. Spell (MD)
Marvin S. Zimmerman (PA)

The drivers were included in docket numbers FMCSA–1999–5578; FMCSA–2001–11426; FMCSA–2003–15892; FMCSA–2003–16564; FMCSA–2007–27897; FMCSA–2008–0021; FMCSA–2009–0321; FMCSA–2011–0298; FMCSA–2011–0378; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0348; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0025; FMCSA–2016–0027; and FMCSA–2017–0028. Their exemptions are applicable as of June 2, 2020, and will expire on June 2, 2022.

As of June 3, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (69 FR 17263; 69 FR 31447; 71 FR 4194; 71 FR 13450; 71 FR 27033; 73 FR 9158; 73 FR 28186; 74 FR 60022; 75 FR 4623; 75 FR 9484; 75 FR 14656; 75 FR 27623; 75 FR 28682; 77 FR 10606; 77 FR 15184; 77 FR 17107; 77 FR 17109; 77 FR 27845; 77 FR 27849; 77 FR 27850; 77 FR 29447; 79 FR 14328; 79 FR 14571; 79 FR 18391; 79 FR 21996; 79 FR 27043; 79 FR 28588; 81 FR 28138; 83 FR 28332):

Ernie E. Black (NC)
Marland L. Brassfield (TX)
Melvin D. Clark (GA)
Rojelio Garcia-Pena (MI)
Stephen H. Goldcamp (OH)
Wai F. King (IL)
Travis J. Luce (MI)
Jason T. Montoya (NM)
Carl D. Short (MO)

The drivers were included in docket numbers FMCSA–2004–17195; FMCSA–2005–23099; FMCSA–2009–0303; FMCSA–2010–0050; FMCSA–2011–0379; FMCSA–2011–0380; and FMCSA–2014–0003. Their exemptions are applicable as of June 3, 2020, and will expire on June 3, 2022.

As of June 6, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 23799; 77 FR 33558; 79 FR 27365; 81 FR 28138; 83 FR 28332):

Richard Doroba (IL)

The driver was included in docket number FMCSA–2012–0040. The exemption is applicable as of June 6, 2020, and will expire on June 6, 2022.

As of June 27, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 27847; 77 FR 38386; 79 FR 29495; 81 FR 28138; 83 FR 28332):

Matthew G. Epps (FL)
James E. Sikkink (IL)

The drivers were included in docket number FMCSA–2012–0104. Their exemptions are applicable as of June 27, 2020, and will expire on June 27, 2022.

As of June 29, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (83 FR 24585; 83 FR 34677):

Joseph W. Davis (NC)
Thomas R. Krentz (MN)
Phil M. Lamp (WV)
Jeffery S. Lathrop (NC)
James B. Powell (IL)
Zebrial C. Stahmer (MT)

The drivers were included in docket number FMCSA–2018–0011. Their exemptions are applicable as of June 29, 2020, and will expire on June 29, 2022.

## V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified medical examiner (ME), as defined by § 390.5, who attests that the driver is otherwise physically qualified under § 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the ME at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

## VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

## VI. Conclusion

Based upon its evaluation of the 58 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in§ 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2020–09755 Filed 5–6–20; 8:45 am]

BILLING CODE 4910–EX–P

---

# DEPARTMENT OF TRANSPORTATION

## Federal Transit Administration

**[FTA Docket No. FTA 2020–0002]**

## Agency Information Collection Activity Under OMB Review

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve the extension of a currently approved information collection: Alternatives Analysis Program.

**DATES:** Comments must be submitted before July 6, 2020.

**ADDRESSES:** To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Website: www.regulations.gov.* Follow the instructions for submitting comments on the U.S. Government electronic docket site. (*Note:* The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at *www.regulations.gov.* Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202–366–7951.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

*Instructions:* You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to internet users, without change, to *www.regulations.gov.* You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit *www.regulations.gov. Docket:* For access to the docket to read background documents and comments received, go to *www.regulations.gov* at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Dwayne Weeks, Office of Planning & Environment, (202) 493–0396, or email at *Dwayne.Weeks@dot.gov.*

**SUPPLEMENTARY INFORMATION:** Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

*Title:* 49 U.S.C. Section 5339—Alternatives Analysis Program (OMB Number: 2132–0571).

*Background:* Under Section 3037 of the Safe, Accountable, Flexible, Efficient Transportation Act—A Legacy for Users (SAFETEA–LU), the Alternatives Analysis Program (49 U.S.C. 5339) provided grants to States, authorities of the States, metropolitan planning organizations, and local government authorities to develop studies as part of the transportation planning process. The purpose of the Alternatives Analysis Program was to

assist in financing the evaluation of all reasonable modal and multimodal alternatives and general alignment options for identified transportation needs in a broadly defined travel corridor. The transportation planning process of Alternatives Analysis included an assessment of a wide range of public transportation or multimodal alternatives, which addressed transportation problems within a corridor or subarea; provided ample information that enabled the Secretary to make the findings of project justification and local financial commitment; supported the selection of a locally preferred alternative; and enabled the local Metropolitan Planning Organization to adopt the locally preferred alternative as part of the long-range transportation plan. The Alternative Analysis Program was repealed by Congress under the Moving Ahead for Progress in the 21st Century Act (MAP–21). However, funds previously authorized for programs repealed by MAP–21 remain available for their originally authorized purposes until the period of availability expires, the funds are fully expended, the funds are rescinded by Congress, or the funds are otherwise reallocated. To meet program oversight responsibilities, FTA must continue to collect information until the period of availability expires, the funds are fully expended, the funds are rescinded by Congress, or the funds are otherwise reallocated.

*Respondents:* States, Metropolitan Planning Organizations, and Local Governmental Authorities.

*Estimated Annual Burden on Respondents:* 15 hours for each of the 20 respondents.

*Estimated Total Annual Burden:* 200 hours.

*Frequency:* Annual.

**Nadine Pembleton,**

*Director Office of Management Planning.*

[FR Doc. 2020–09766 Filed 5–6–20; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

### Hazardous Materials: Notice of Actions on Special Permits

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice of actions on special permit applications.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein.

**DATES:** Comments must be received on or before June 8, 2020.

**ADDRESSES:** Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION CONTACT:** Donald Burger, Chief, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

**SUPPLEMENTARY INFORMATION:** Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 30, 2020.

**Donald P. Burger,**

*Chief, General Approvals and Permits Branch.*

SPECIAL PERMITS DATA—GRANTED

| Application No. | Applicant | Regulation(s) affected | Nature of the special permits thereof |
|---|---|---|---|
| 7607–M | Thermo Fisher Scientific Inc. | 172.101(j), 173.306 | To modify the special permit to clarify the manufacturing markings. |
| 16518–M | Midwest Helicopter Airways. | 172.200, 172.301(c), 175.33 | To modify the special permit to authorize additional hazmat. |
| 20396–M | Hexagon Digital Wave LLC. | 180.205(g) | To modify the special permit to authorize MA testing of certain DOT–CFFC cylinders. |
| 20932–N | Jingjiang Asian-pacific Logistics Equipment Co., Ltd. | 178.274(b) | To authorize the manufacture, mark, sale, and use of portable tanks constructed to Section VIII, Division 2 of the ASME code. |
| 20951–N | Kalitta Air, LLC | 172.101(j), 172.203(a), 172.301(c), 173.27(b)(2), 175.30(a)(1). | To authorize the transportation in commerce of explosives forbidden for air transportation by cargo-only aircraft. |
| 20960–N | Johnson Outdoors Gear LLC. | 173.304(a), 173.304a(d)(3)(ii) | To authorize the use of non-DOT specification receptacles similar to the 2P specification, except as specified herein, for the transportation in commerce of Division 2.1 materials. |
| 20963–N | LG Chem Wroclaw Energy Sp Z O O. | 172.101(j) | To authorize the transportation in commerce of lithium ion batteries exceeding 35 kg by cargo-only aircraft. |
| 20973–N | Olin Winchester LLC | 172.203(a), 173.63(b)(2)(v) | To authorize the transportation in commerce of 22 caliber (or less) rim-fire cartridges packaged loose in strong outer packagings. |
| 20989–N | Dgm Italia Srl | 173.185(e)(5) | To authorize the transportation in commerce of lithium ion batteries which have not been tested. |
| 20993–N | United States Dept Of Energy. | 173.467 | To authorize the transportation in commerce of class 7 material in alternative packaging. |

SPECIAL PERMITS DATA—GRANTED—Continued

| Application No. | Applicant | Regulation(s) affected | Nature of the special permits thereof |
|---|---|---|---|
| 21003–N | Airgas USA, LLC | 173.301(a)(2) | To authorize the transportation in commerce of ethylene in DOT 3T 2400 tubes that are not visually inspected before filling. |
| 21004–N | Actia Corporation | 173.185(e) | To authorize the transportation in commerce of low production lithium ion batteries. |
| 21008–N | Atieva USA, Inc | 173.185(e), 173.220(d) | To authorize the transportation in commerce of prototype lithium battery packs by themselves and installed in equipment which exceed 35 kg. |
| 21009–N | Atlas Air, Inc | 172.101(j), 172.204(c)(3), 173.27(b)(2), 173.27(b)(3). | To authorize the transportation in commerce of explosives by cargo only aircraft which is forbidden in the regulations. |
| 21021–N | Federal Express Corporation. | 175.10(a)(1)(ii) | To authorize the transportation in commerce of certain Division 2.2 aerosols in crewmember carry-on baggage for the purpose of preventing the potential spread and contraction of COVID–19. |

SPECIAL PERMITS DATA—GRANTED

| Application No. | Applicant | Regulation(s) affected | Nature of the special permits thereof |
|---|---|---|---|
| 20957–N | Versum Materials, Inc | 173.338(a) | To authorize the transportation in commerce of tungsten hexafluoride in tubes that are dual marked to a DOT and UN specification. |
| 20972–N | Distributor Operations, Inc | 173.159(e)(1) | To authorize the transportation in commerce of electric storage batteries under the exception in 173.159(e) when other hazardous materials are present on the vehicle. |

SPECIAL PERMITS DATA—GRANTED

| Application No. | Applicant | Regulation(s) affected | Nature of the special permits thereof |
|---|---|---|---|
| 14951–M | Hexagon Lincoln, LLC | 173.301(f), 173.302(a) | To modify the special permit to authorize permitted cylinders to have an ''in-service date'' on their labels. This date would be the date in which the cylinder was released from the Hexagon inventory and placed in the possession of the end user. |
| 20924–N | Candesant Biomedical, Inc | 172.402(c), 173.4b(a) | To authorize the transportation in commerce of Division 4.3 materials as de minimis quantities by passenger-carrying aircraft. |
| 21010–N | JEM Technical Marketing Co., Inc. | | To authorize the transportation in commerce of hydraulic accumulators designed and fabricated in accordance with Section VIII, Division I of the ASME Code. |
| 21011–N | Spectro Analytical Instruments Gmbh. | 173.185(a) | To authorize the transportation in commerce of lithium ion batteries that are not of a type proven to meet the criteria in section 38.3 of the UN Manual of Tests and Criteria. |

[FR Doc. 2020–09728 Filed 5–6–20; 8:45 am]
BILLING CODE 4909–60–P

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

### Hazardous Materials: Notice of Applications for Modifications to Special Permits

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of applications for modification of special permits.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for

which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

**DATES:** Comments must be received on or before May 22, 2020.

**ADDRESSES:** Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION CONTACT:** Donald Burger, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

**SUPPLEMENTARY INFORMATION:** Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 30, 2020.

**Donald P. Burger,**

*Chief, General Approvals and Permits Branch.*

SPECIAL PERMITS DATA

| Application No. | Applicant | Regulation(s) affected | Nature of the special permits thereof |
|---|---|---|---|
| 9168–M | Berlin Packaging LLC | 173.13(a), 173.13(b), 173.13(c)(1)(ii), 173.13(c)(1)(iv), 173.13(c)(2)(iii). | To modify the special permit to clarify quantities of hazmat authorized per packaging. (modes 1, 2, 4, 5). |
| 11380–M | Baker Hughes Oilfield Operations LLC. | 173.302a(a) | To modify the special permit to authorize an improved design of the cylinders. (modes 1, 2, 3, 4). |
| 12102–M | Haz Mat Services, Incorporated. | 173.56(i) | To modify the special permit to authorize additional Class 3 and 4.1 hazmat. (modes 1, 3). |
| 14849–M | Call2recycle, Inc | 172.400, 172.102(c)(1), 172.200, 172.300, 173.159a(c)(2), 173.185(c)(1)(iii), 173.185(c)(1)(iv), 173.185(c)(1)(v), 173.185(c)(3), 172.303(a), 173.185(d). | To modify the special permit to authorize rail transportation, to allow batteries up to 300 Wh to be transported by vessel, and to clarify the lithium battery mark on the package. (modes 1, 2, 3). |
| 16118–M | Toyota Motor Sales USA Inc. | 173.301(a)(1) | To modify the special permit to more closely align it with relevant sections for compressed hydrogen in the UN Model Regulation 21st Revision, Special Provision 392. (modes 1, 2, 3, 4). |
| 20301–M | Tesla, Inc | 172.101(j), 173.185(a)(1), 173.185(b)(3)(i), 173.185(b)(3)(ii). | To modify the special permit to authorize a new larger size prototype lithium battery. (mode 4). |
| 20336–M | Geotek Coring Inc | 173.3(d)(3) | To modify the special permit to authorize freight containers up to 40 feet in length to transport up to 30 salvage drums for disposal. (modes 1, 2). |
| 20541–M | ISGEC Heavy Engineering Ltd. | 179.300–19(a) | To modify the special permit to clarify test and chemical analysis observations. (modes 1, 2, 3). |
| 20669–M | Louisiana Energy Services, LLC. | 173.420 | To modify the special permit to authorize natural uranium. (modes 1, 2). |
| 20825–M | Space Exploration Technologies Corp. | 172.300, 172.400, 173.302(a) | To modify the special permit to authorize additional origination and destination locations. (mode 1). |

[FR Doc. 2020–09727 Filed 5–6–20; 8:45 am]

**BILLING CODE 4909–60–P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

### Hazardous Materials: Notice of Applications for New Special Permits

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** List of applications for special permits.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

**DATES:** Comments must be received on or before June 8, 2020.

**ADDRESSES:** Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

**FOR FURTHER INFORMATION CONTACT:** Donald Burger, Chief, Office of Hazardous Materials Approvals and Permits Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC 20590–0001, (202) 366–4535.

**SUPPLEMENTARY INFORMATION:** Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://regulations.gov.*

This notice of receipt of applications for special permit is published in accordance with part 107 of the Federal

hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on April 30, 2020.

**Donald P. Burger,**

*Chief, General Approvals and Permits Branch.*

SPECIAL PERMITS DATA

| Application No. | Applicant | Regulation(s) affected | Nature of the special permits thereof |
|---|---|---|---|
| 21028–N | Neutron Holdings, Inc | 173.185(f) | To authorize the manufacture, mark, sale and use of alternative packaging for the transportation in commerce of damaged, defective, or recalled lithium ion cells and batteries and lithium metal cells and batteries and these cells or batteries contained in or packed with equipment. (mode 1). |
| 21029–N | U.S. Cryogenics, Inc | 172.203(a), 172.301(c), 180.211(c)(2)(i) | To authorize the transportation in commerce of Dewars that have been repaired but have not been pressure tested in accordance with the specifications under which they were originally manufactured. (modes 1, 2, 3, 4). |
| 21030–N | Mistras Group, Inc | 180.205(g)(1) | To authorize the extension of the service life of fully wrapped fiber reinforced composite gas cylinders as listed in paragraph 7, which are subjected to the requalification and operational controls that are defined in this special permit and follow DOT TR20180502 which describes the use of modal acoustic emission (MAE) testing during periodic inspection and testing of hoop wrapped and fully wrapped composite transportable gas cylinders and tubes, with aluminum-alloy, steel or non-metallic liners or of liner less construction, intended for compressed and liquefied gases under pressure. (modes 1, 2, 3, 4, 5). |
| 21032–N | Luxfer Inc | 173.302a(a), 173.304a(a), 180.209 | To authorize the manufacture, marking, sale and use of a non-DOT specification fully-wrapped carbon fiber composite cylinder with a seamless aluminum liner, to contain oxygen and other gases at 5000 psi. The cylinder will be designed, manufactured and tested in accordance with ISO 11119–2 with two extra tests defined by PHMSA. (modes 1, 2, 3, 4, 5). |
| 21035–N | Volkswagen Ag | 172.101(j) | To authorize the transportation in commerce of lithium ion batteries exceeding 35 kg by cargo only aircraft. (mode 4). |
| 21036–N | Triad National Security, LLC | 172.203(a), 172.301(c), 173.22(a)(4)(i), 173.22(a)(4)(ii), 173.24(f)(2). | To authorize the transportation in commerce of hazardous materials packaged in packaging that has not been closed in accordance with the manufacturer's closure instructions. (mode 1). |
| 21038–N | Volvo Cars of North America, LLC. | 172.101(j) | To authorize the transportation in commerce of lithium ion batteries exceeding 35 kg net weight by cargo-only aircraft. (mode 4). |
| 21041–N | KLA Corporation | 173.212, 173.213 | To authorize the transportation in commerce of certain flammable solids in non-specification plywood boxes. (modes 1, 4, 5). |
| 21043–N | Community Surgical Supply of Toms River Inc. | 180.207 | To authorize the transportation in commerce of certain hazardous materials in DOT specification 3AL cylinders that are requalified in 10-year retest interval rather than 5-year intervals using ultrasonic examination. (modes 1, 2, 3). |
| 21045–N | Tradewater LLC | 172.200, 172.700(a), 172.400 | To authorize the transport of non-refillable DOT 39 gas cylinders containing refrigerant gases with alternate documentation and hazard communication requirements. (modes 1, 2). |
| 21047–N | Tesla, Inc | 173.185(b)(1) | To authorize the transportation in commerce of lithium cells and batteries in alternative packaging. (modes 1, 2, 3, 4). |
| 21048–N | United Paradyne Corporation. | 180.209(a), 180.209(b)(1) | To authorize the transportation in commerce of certain Division 2.1 and 2.2 materials in DOT 3A, 3AA, 3AX, 3AAX and 3T cylinders having water capacity over 125 lbs to be periodically requalified every ten years instead of every five years. (modes 1, 2, 3). |

[FR Doc. 2020–09729 Filed 5–6–20; 8:45 am]
BILLING CODE 4909–60–P

## DEPARTMENT OF THE TREASURY

## Alcohol and Tobacco Tax and Trade Bureau

**[Docket No. TTB–2020–0001]**

## Proposed Information Collections; Comment Request (No. 78)

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau (TTB); Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, we invite comments on the proposed or continuing information collections listed below in this notice.

**DATES:** We must receive your written comments on or before July 6, 2020.

**ADDRESSES:** As described below, you may send comments on the information collections described in this document using the ''*Regulations.gov*'' online comment form for this document, or you may send written comments via U.S. mail or hand delivery. We no longer accept public comments via email or fax.

- *Internet:* To submit comments electronically, use the comment form for this document posted on the ''*Regulations.gov*'' e-rulemaking website at *https://www.regulations.gov* within Docket No. TTB–2019–0001.
- *U.S. Mail:* Send comments to the Paperwork Reduction Act Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.
- *Hand Delivery/Courier:* Delivery comments to the Paper Reduction Act Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Suite 400, Washington, DC 20005.

Please submit separate comments for each specific information collection described in this document. You must reference the information collection's title, form or recordkeeping requirement number, and OMB control number (if any) in your comment.

You may view copies of this document, the information collections described in it and any associated instructions, and all comments received in response to this document at *https://www.regulations.gov* within Docket No. TTB–2019–0001. A link to that docket is posted on the TTB website at *https://www.ttb.gov/forms/comment-on-form.shtml.* You may also obtain paper copies of this document, the information collections described in it and any associated instructions, and any comments received in response to this document by contacting TTB's Paperwork Reduction Act Officer at the addresses or telephone number shown below.

**FOR FURTHER INFORMATION CONTACT:** Michael Hoover, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; 202–453–1039, ext. 135; or *informationcollections@ttb.gov* (please do not submit comments to this email address).

**SUPPLEMENTARY INFORMATION:**

### Request for Comments

The Department of the Treasury and its Alcohol and Tobacco Tax and Trade Bureau (TTB), as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on the proposed or continuing information collections described below in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether an information collection is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the information collection's burden; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the information collection's burden on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information has a valid OMB control number.

### Information Collections Open for Comment

Currently, we are seeking comments on the following forms, letterhead applications or notices, recordkeeping requirements, questionnaires, or surveys:

*OMB Control No. 1513–0001*

*Title:* Tax Information Authorization.
*TTB Form Number:* TTB F 5000.19.
*Abstract:* In general, Federal law at 5 U.S.C. 552 prohibits the disclosure of confidential business information obtained by the Government, and 26 U.S.C. 6103 prohibits disclosure of tax returns and taxpayer-related information unless disclosure is specifically authorized by that section. However, a taxpayer or other regulated person may authorize a representative to receive their otherwise confidential tax or business information. Form TTB F 5000.19 is used by respondents to authorize a representative who does not have a power of attorney to receive such confidential information from TTB. TTB uses the information provided on the form to identify the respondent's representative and the scope of their authority to obtain the otherwise confidential information.
*Current Actions:* There are no program changes or adjustments associated with this information collection, and TTB is submitting it for extension purposes only.
*Type of Review:* Extension of a currently approved collection.
*Affected Public:* Businesses or other for-profits; Individuals or households.

Estimated Annual Burden

- *Number of Respondents:* 50.
- *Average Responses per Respondent:* One.
- *Number of Responses:* 50.
- *Average Per-response Burden:* 1 hour.
- *Total Burden:* 50 hours.

*OMB Control No. 1513–0003*

*Title:* Referral of Information.
*TTB Form Number:* TTB F 5000.21.
*Abstract:* TTB personnel, during the course of their duties, sometimes discover apparent violations of statutes and regulations under the jurisdiction of State, local, and tribal government agencies. Using form TTB F 5000.21, TTB personnel refer information regarding such violations to the appropriate external agencies, if such disclosures are authorized under the IRC at 26 U.S.C. 6103 or by other Federal laws. The referral form includes a section for the external agencies to respond to TTB regarding their action on such referrals. This form provides a

consistent means of conveying the relevant information to external agencies, and it facilitates information-sharing between TTB and external agencies to support enforcement efforts. The response that TTB requests from State, local, and tribal government agencies also provides information as to the utility of the referrals and potential enforcement actions that these external agencies take against entities that are also regulated by TTB.

*Current Actions:* There are no program changes or adjustments associated with this information collection, and TTB is submitting it for extension purposes only.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* State, local, and tribal governments.

Estimated Annual Burden

- *Number of Respondents:* 100.
- *Average Responses per Respondent:* One.
- *Number of Responses:* 100.
- *Average Per-response Burden:* 1 hour.
- *Total Burden:* 100 hours.

*OMB Control No. 1513–0062*

*Title:* Usual and Customary Business Records Relating to Denatured Spirits, TTB REC 5150/1.

*TTB Recordkeeping Number:* TTB REC 5150/01.

*Abstract:* Denatured distilled spirits may be used for industrial purposes in the manufacture of nonbeverage products. To prevent diversion of denatured spirits to taxable beverage use, the IRC at 26 U.S.C. 5271–5275 imposes a system of permits, bonds, recordkeeping, and reporting requirements on persons that procure or use such alcohol, and the Secretary of the Treasury (the Secretary) is authorized to issue regulations regarding those matters. Under those IRC authorities, the TTB regulations in 27 CFR part 20 require industrial alcohol users to keep certain usual and customary business records which track denatured spirits. TTB uses the required records to account for denatured spirits and to ensure compliance with statutory provisions.

*Current Actions:* There are no program changes associated with this information collection. As for adjustments, while the number of annual respondents and responses to this collection remains the same, TTB is removing the one hour of total burden previously reported for this collection as a place holder since, under the OMB regulations at 5 CFR 1320.3(b)(2), regulatory requirements to maintain usual and customary records kept during the normal course of business place no burden on respondents.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Businesses and other for-profits; State, local, and tribal governments.

Estimated Annual Burden

- *Number of Respondents:* 3,440.
- *Average Responses per Respondent:* One.
- *Number of Responses:* 3,440.
- *Average Per-response and Total Burden:* None. (Under the OMB regulations 5 CFR 1320.3(b)(2), regulatory requirements to maintain usual and customary records kept during the normal course of business place no burden on respondents as defined in the Paperwork Reduction Act.)

*OMB Control No. 1513–0085*

*Title:* Principal Place of Business Address and Place of Production Coding on Beer and Malt Beverage Labels, TTB REC 5130/5.

*TTB Recordkeeping Number:* TTB REC 5130/5.

*Abstract:* Under the authority of the IRC at 26 U.S.C. 5412 and the Federal Alcohol Administration Act (FAA Act) at 27 U.S.C. 205(e), the TTB regulations require consumer containers of beer to be marked with the name and address of the brewer. In the case of brewers that operate multiple breweries, the TTB regulations in 27 CFR parts 7 and 25 allow brewers to label beer containers with their principal place of business, provided that the brewer also places a code on each beer container indicating its actual place of production. This option allows multi-plant brewers to use an identical, universal label at all of their breweries. The labeling of beer containers with the producer's name and place of production is a usual and customary business practice undertaken by brewers to identify their products to consumers and facilitate recall of adulterated products. In addition, TTB uses the required information to verify tax refund claims for the loss or destruction of beer.

*Current Actions:* There are no program or estimated burden changes associated with this information collection, and TTB is submitting it for extension purposes only.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Businesses or other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 430.
- *Average Responses per Respondent:* 2.58.
- *Number of Responses:* 1,110.
- *Average Per-response and Total Burden:* None. (Under the OMB regulations 5 CFR 1320.3(b)(2), regulatory requirements to disclose usual and customary information on consumer product labels places no burden on respondents as defined in the Paperwork Reduction Act.)

*OMB Control No. 1513–0095*

*Title:* Application for Registration of Tax-free Firearms and Ammunition Transactions Under 26 U.S.C. 4221.

*TTB Form Number:* TTB F 5300.28.

*Abstract:* In general, the IRC at 26 U.S.C. 4181 imposes Federal excise tax on firearms and ammunition sold by manufacturers and importers. However, under 26 U.S.C. 4221, no excise tax is imposed on certain sales of firearms and ammunition, provided that the seller and purchaser of the articles (with certain exceptions) are registered, in the form and manner the Secretary prescribes by regulation, as required by 26 U.S.C. 4222. Under that IRC authority, the TTB regulations at 27 CFR 53.140 provide for registration using form TTB F 5300.28. In addition, registrants may subsequently file notifications on their letterhead to make certain amendments to the information previously provided on that form.

*Current Actions:* There are no program changes or adjustments associated with this information collection, and TTB is submitting it for extension purposes only.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Businesses and other for-profits; State, local, and tribal governments.

Estimated Annual Burden

- *Number of Respondents:* 100.
- *Average Responses per Respondent:* One.
- *Number of Responses:* 100.
- *Average Per-response Burden:* 3 hours.
- *Total Burden:* 300 hours.

*OMB Control No. 1513–0127*

*Title:* Petitions to Establish or Modify American Viticultural Areas.

*TTB Form or Recordkeeping Number:* None.

*Abstract:* The FAA Act at 27 U.S.C. 205(e) authorizes the Secretary to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on

labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. Under that authority, TTB regulates the use of appellations of origin on wine labels, including the use of American viticultural area (AVA) names. In response to petitions submitted by interested parties, TTB establishes new AVAs or modifies existing AVAs through the rulemaking process. The TTB regulations in 27 CFR part 9 specify the information to be included in such petitions. TTB uses the provided information to evaluate a petitioner's proposal and draft rulemaking for public comment for creating a new AVA or amending the name, boundary, or other terms of an existing AVA.

*Current Actions:* There are no program changes or adjustments associated with this information collection, and TTB is submitting it for extension purposes only.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Businesses or other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 15.
- *Average Responses per Respondent:* One.
- *Number of Responses:* 15.
- *Average Per-response Burden:* 130 hours.
- *Total Burden:* 1,950 hours.

*OMB Control No. 1513–0139*

*Title:* Record of Carbon Dioxide Measurement in Effervescent Products Taxed as Hard Cider.

*TTB Form or Recordkeeping Number:* None.

*Abstract:* The IRC, at 26 U.S.C. 5041, defines and imposes six Federal excise tax rates on wine, which vary by the wine's alcohol and carbon dioxide content. Wines with no more than 0.392 grams of carbon dioxide per 100 milliliters are taxed as still wine at $1.07, $1.57, or $3.15 per gallon, depending on their alcohol content, while wines with more than 0.392 grams of carbon dioxide per 100 milliliters are taxed as effervescent wine at $3.30 per gallon if artificially carbonated or $3.40 per gallon if naturally carbonated. However, under those IRC provisions, certain apple- and pear-based wines are subject to the ''hard cider'' tax rate of $0.226 per gallon if the product contains no more than 0.64 grams of carbon dioxide per 100 milliliters of wine. Given the difference in tax rates which, in part, depend on the level of effervescence, the TTB regulations in 27 CFR 24.302 require proprietors who produce or receive effervescent hard cider to record the amount of carbon dioxide in the hard cider. This recordkeeping requirement is necessary to demonstrate compliance with the statutory definition of wine eligible for the hard cider tax rate.

*Current Actions:* There are no program changes associated with this information collection, and TTB is submitting it for extension purposes only. As for adjustments, due to changes in agency estimates resulting from growth in the number of effervescent hard cider products in the marketplace, TTB is increasing the number of annual respondents, responses, and burden hours reported for this information collection.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Businesses or other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 600.
- *Average Responses per Respondent:* 25.
- *Number of Responses:* 15,000.
- *Average Per-response Burden:* 4 hours.
- *Total Burden:* 60,000 hours.

**Amy R. Greenberg,**

*Director, Regulations and Rulings Division.*

[FR Doc. 2020–09700 Filed 5–6–20; 8:45 am]

**BILLING CODE 4810–31–P**

---

## DEPARTMENT OF THE TREASURY

### Community Development Financial Institutions Fund

### Agency Information Collection Activities; Proposed Collection: Comment Request

**ACTION:** Notice and request for public comment.

**SUMMARY:** The U.S. Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the Community Development Financial Institutions Fund (CDFI Fund), U.S. Department of the Treasury, is soliciting comments concerning the Annual Certification and Data Collection Report Form (ACR) and the Certification Transaction Level Report (CTLR) at *https://www.cdfifund.gov/programs-training/certification/cdfi/Pages/CertificationPRA.aspx.*

**DATES:** Written comments must be received on or before August 5, 2020 to be assured of consideration.

**ADDRESSES:** Submit your comments via email to Greg Bischak, Financial Strategies and Research (FS&R) Program Manager, CDFI Fund, at: *CDFI-FinancialStrategiesandResearch@cdfi.treas.gov.*

**FOR FURTHER INFORMATION CONTACT:** Greg Bischak, Financial Strategies and Research (FS&R) Program Manager, CDFI Fund, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220 or by phone at (202) 653–0300. Other information regarding the CDFI Fund and its programs may be obtained through the CDFI Fund's website at *http://www.cdfifund.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Annual Certification and Data Collection Report Form and the Certification Transaction Level Report.

*OMB Number:* 1559–0046.

*Abstract:* This information collection captures information related to continuing compliance with certification standards for Community Development Financial Institutions (CDFIs) and other data associated with the finances and activities of CDFIs. The Annual Certification and Data Collection Report (ACR) requires a certified Community Development Financial Institution (CDFI) to annually assess and report on any changes to data for criteria supporting its CDFI certification, as well as some additional organizational, financial and other data. The CDFI Fund uses this report to monitor the CDFI's compliance with certification criteria and collect data to gain greater insight on the CDFI industry. This document identifies proposed changes to the current ACR data collection covered by OMB Number: 1559–0046 (see the current data collection in the appendix to this document). The ACR data structure discussed below details proposed deletions, changes, and additions of data points for the ACR and inclusion of the new Certification Transaction Level Report (CTLR) which provides a standardized data collection capability to validate transactions within target markets.

As an administrative efficiency the CTLR data collection is being submitted for public comment under the ACR OMB control number 1559–0046. Please note that the CTLR is intended to support both the revised Certification Application (see related OMB 1559–

0028) and the ACR. The CTLR is a proposed requirement for CDFI Certification applicants and certified CDFIs that are not current Financial Assistance recipients and therefore do not submit an annual Transaction Level Report (TLR) to the CDFI Fund. The CTLR will improve data quality in both the revised Certification Application and ACR by replacing unverifiable summary data on lending and investment in Target Markets with the CTLR transaction data, and used to automatically compute answers to questions about the composition and distribution of lending and investment activities. The CTLR will also collect industry-wide transactional data for the first time. Thus the implementation of the CTLR will create a more data-driven, quantitative evaluation of certified CDFIs and CDFI Certification Applicants, and automate key validation processes.

The other changes in the ACR include additional questions based on the new policy-related questions in the revised Certification Application. These questions confirm that currently certified CDFIs are meeting new certification requirements. Another change in the ACR involves the use of web-services to collect financial data for regulated CDFIs from regulators' call reports which will reduce reporting burden, improve data quality and comply with OMB guidance.

**ACR and CTLR Burden Estimates**

In order to provide a side-by-side comparison of reporting burden changes between the current and proposed changes in the ACR, this analysis will first examine the changes related to just the ACR form, and then separately present burden estimates for the CTLR.

**ACR Burden Estimates**

*Proposed Reductions:* The revised ACR form proposes to delete 28 questions from the current form. In addition, changes through the use of technology and web services to reduce reporting burden for 34 existing questions.

*Proposed Additions:* There are 26 new questions related to changes in the CDFI Fund's certification policy which require the confirmation that an entity complies with these standards. In addition there are three new data tables added to the ACR: The Capital Investment Table; the Contributed Operating Revenue Table, and Loans and Leases Table. These changes will result in a net increase of 6,527 hours over prior ACR burden estimates (8,663 hours) for the estimated number of total respondents.

*Type of Review:* Regular Review.

*Affected Public:* Certified CDFIs.

*Estimated Number of ACR Respondents:* 1,085.

*Estimated Annual Time per ACR Respondent:* 14 hours.

*Estimated Total ACR Annual Burden Hours:* 15,190 hours.

**CTLR Burden Estimates**

As noted above, the implementation of the CTLR will create a more data-driven, quantitative evaluation of certified CDFIs and CDFI Certification applicants, and automate key validation processes. In particular, the CTLR will standardize reporting and automate analysis for the current Target Market estimates required for the ACR questions. The CTLR will also standardize and automate analysis for the Certification Application regarding an entity's loans and investments (*i.e.* the number and amount of loans and/or investments) within that entity's proposed Target Market(s). In addition to these technological enhancements, the CTLR will eliminate the need for detailed transactional analysis of the entity's total portfolio. The CTLR will only analyze new originations and thereby reduce substantially the current burden for transactional analysis (a concern raised in public comments in response to the 2017 ACR request for public comment). Thus while the CTLR is a new data collection, the technological enhancements of the process provide standardized methods and new automated coding of geographically determined Targets Markets such as qualified Investment Areas and Low-Income Targeted Populations at the Census Block Level. These improvement undoubtedly provide time savings in manual coding processes necessary for currently certified CDFIs to report in the ACR on the share of transactions going to their approved Target Market. Moreover the policy changes for certification will allow all Applicants and certified CDFIs to count transactions devoted to all eligible Investment Areas outside of their previously geographically defined Target Markets. Furthermore the new policies and procedures allow for transactional coding of Financial Services to count in evaluating Target Market activities. For these reasons the burden is estimated to be 6,800 hours (see below).

*Type of Review:* Regular Review.

*Affected Public:* Non-Financial Assistance Certified CDFIs (700) and new Certification Applicants (150).

*Estimated Number of CTLR Respondents:* 850.

*Estimated Annual Time per ACR Respondent:* 8 hours.

*Estimated Total CTLR Annual Burden Hours:* 6,800 hours.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record and may be published on the CDFI Fund website at *http://www.cdfifund.gov.* Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the CDFI Fund, including whether the information shall have practical utility; (b) the accuracy of the CDFI Fund's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected, including which data might be useful to publish to provide the public a concise organizational profile of each certified CDFI's financial products and services, asset size, target markets served; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; (e) proposals for the optimal reporting period for the ACR which currently is 90 days after the Fiscal Year End of the reporting entity; and (f) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

**Authority:** Pub. L. 104–13; 12 CFR 1805; 12 CFR 1806; 12 CFR 1807; 12 CFR 1808.

**Jodie L. Harris,**

*Director, Community Development Financial Institutions Fund.*

[FR Doc. 2020–09746 Filed 5–6–20; 8:45 am]

BILLING CODE 4810–70–P

## DEPARTMENT OF THE TREASURY

### Community Development Financial Institutions Fund

### Notice of Information Collection and Request for Public Comment

**ACTION:** Notice and request for public comment.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the Community Development Financial Institutions Fund (CDFI

Fund), Department of the Treasury, is soliciting comments concerning the Community Development Financial Institutions Program—Certification Application, which Applicants will submit through the CDFI Fund's Awards Management Information System (AMIS).

**DATES:** Written comments must be received on or before August 5, 2020 to be assured of consideration.

**ADDRESSES:** Submit your comments via email to Tanya McInnis, Program Manager for the Office of Certification, Compliance Monitoring and Evaluation, CDFI Fund, at *ccme@cdfi.treas.gov.*

**FOR FURTHER INFORMATION CONTACT:** Tanya McInnis, Program Manager for the Office of Certification, Compliance Monitoring and Evaluation, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 1500 Pennsylvania Ave. NW, Washington DC 20220 or by phone at (202) 653–0300. Other information regarding the CDFI Fund and its programs may be obtained through the CDFI Fund's website at *http://www.cdfifund.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Community Development Financial Institutions Program—Certification Application.

*OMB Number:* 1559–0028.

*Type of Review:* Regular Review.

*Abstract:* A certified Community Development Financial Institution (CDFI) is a specialized financial institution that works in markets that are underserved by traditional financial institutions. CDFIs provide a range of financial products and services in economically distressed target markets, such as mortgage financing for low-income and first-time homebuyers and not-for-profit developers, flexible underwriting and risk capital for needed community facilities, and technical assistance, commercial loans and investments to small start-up or expanding businesses in low-income areas. CDFIs include regulated institutions such as community development banks and credit unions, and non-regulated institutions such as loan and venture capital funds. CDFI certification is a designation conferred by the CDFI Fund and is a requirement for accessing Financial Assistance awards from the CDFI Fund through the CDFI Program and Native American CDFI Assistance Program, and bond guarantees through the CDFI Bond Guarantee Program, as well as certain benefits under the Bank Enterprise Award Program, to support an organization's established community development financing programs. A financial institution seeking to become a Certified CDFI and qualify to access assistance from the CDFI Fund must complete the CDFI Certification Application.

The CDFI Fund is authorized by the Riegle Community Development Banking and Financial Institutions Act of 1994 (Pub. L. 103–325, 12 U.S.C. 4701 *et seq.*) (the Act). The regulations governing CDFI certification are found at 12 CFR. 1805.201 (the Regulations). Capitalized terms found in this notice are defined in the regulations that govern the CDFI Program, at 12 CFR 1805.104.

Since 1997, the universe of Certified CDFIs has grown from 196 to nearly 1,100 organizations, with nearly $159 billion in total assets and headquarters in all fifty states, the District of Columbia, Guam, and Puerto Rico. The significance of CDFI Certification also has increased over the years, as CDFI status has come to serve as a qualifier for other Federal government and private sector programs and benefits.

As part of a review to ensure the CDFI Certification policies and procedures continue to meet the statutory and regulatory requirements, are responsive to the evolving nature of the CDFI industry, and protect government resources, the CDFI Fund published a Request for Information (RFI) in January 2017 seeking comments from the public regarding current CDFI Certification policies and procedures. The public responded to the RFI with 28 letters and over 200 pages of comments.

The revised application reflects changes to CDFI Certification policy that resulted from this review. In developing the revised policies and application, the CDFI Fund maintained five policy objectives:

1. Continue to foster a diversity of CDFI types, activities, and geographies;
2. Support the growth and reach of CDFIs, especially as it relates to their ability to innovate and take advantage of new technologies;
3. Protect the CDFI brand;
4. Minimize burden on CDFIs while improving data quality and collection methods; and
5. Promote efficiency for CDFI Fund staff in rendering CDFI Certification determinations.

The revised Certification policies and application attempt both to provide the flexibility necessary for CDFIs to grow and to serve the hardest to reach distressed communities, and to maintain the integrity of what it means to be a certified CDFI from a mission perspective. In addition, where existing policy was considered appropriate, changes were made to the application and guidance to provide greater transparency and clarity around the criteria that entities must meet to obtain and maintain CDFI Certification. (Currently certified CDFIs, following a sufficient grace period, will be expected to demonstrate compliance with the revised policies in order to maintain their certification.)

In addition to revisions to reflect changes in policy, the application form incorporates new tools to ease the burden on Applicants. In place of the existing paper application, Applicants will be able to complete the revised application in the CDFI Fund's Award Management Information System (AMIS). This will streamline the process by pulling data provided by Applicants elsewhere in AMIS to auto-complete portions of the application. The use of AMIS furthermore will reduce the overall number of questions an Applicant is required to answer by presenting only those relevant to the Applicant, as determined by entity type and/or responses to other questions in the application.

The revised application also will pull data provided by the Applicant through a new data collection tool, the Certification Transaction Level Report (CTLR). The CTLR provides a method to evaluate the extent to which an entity serves distressed areas and underserved populations. Data provided through the CTLR will be used to automatically complete portions of the CDFI Certification Application and determine the share of an entity's Financial Products and/or Financial Services that are deployed to the entity's proposed Target Market(s). For additional information on the CTLR, see OMB 1559–0046.

With the CTLR, the existing ''Target Market CY'' and ''Target Market FYE'' sections of the application will be eliminated. Data collected through the CTLR also will facilitate revised policies that allow for the elimination of the Target Market mapping requirement for most Applicants. Although the revised application includes a number of new questions, the CDFI Fund anticipates that the overall effect of the changes to the application will be a net reduction in burden to Applicants.

*Affected Public:* Businesses or other for-profit institutions, non-profit entities, and State, local, and Tribal entities participating in CDFI Fund programs.

*Estimated Number of Respondents:* 150.

*Estimated Annual Time per Respondent:* 35 hours.

*Estimated Total Annual Burden Hours:* 5,250 hours.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record at *http://www.cdfifund.gov.* The CDFI Fund is seeking input on the content of the revised CDFI Certification Application. The application and related guidance may be obtained on the CDFI Fund's website at *https://www.cdfifund.gov/programs-training/certification/cdfi/Pages/default.aspx.* Comments are invited on all aspects of the information collection, but commentators may wish to focus particular attention on: (a) The cost for CDFIs to operate and maintain the services/systems required to provide the required information; (b) ways to enhance the quality, utility, and clarity of the information to be collected, including which data might be useful to publish to provide the public a concise organizational profile of each certified CDFI's Financial Products, Financial Services, Asset Size, and Target Markets; (c) whether the collection of information is necessary for the proper evaluation of the effectiveness and impact of the CDFI Fund's programs, including whether the information has practical utility; (d) the accuracy of the CDFI Fund's estimate of the burden of the collection of information, and; (e) ways to minimize the burden of the collection of information including through the use of technology.

In addition, the CDFI Fund requests comments in response to the following questions:

1. Is the information that will be collected by the revised application necessary and appropriate for the CDFI Fund to consider for the purpose of CDFI certification?

2. Are certain questions or tables redundant or unnecessary?

3. Should any questions or tables be added to ensure collection of relevant information?

4. Are there questions where the intent or the purpose of the question is not clear? If so, which questions, and what needs to be clarified in order to provide a comprehensive response?

5. Are there questions that would require additional guidance to respond adequately? If so, which questions, and what type of instructions would be helpful in order to be able to provide a response?

6. What is a reasonable grace period for currently certified CDFIs to come into compliance with the new certification criteria?

7. Currently applicants are allowed to submit CDFI Certification Applications at any time throughout the year. The CDFI Fund is considering transitioning to a quarterly submission schedule, which would allow applicants to submit CDFI Certification Applications only within a specific time period every three months. Should the CDFI Fund transition to a quarterly CDFI Certification Application cycle?

*Primary Mission—Financial Products and Services:* The Act states that a CDFI must have ''a primary mission of promoting community development.'' Further, the Regulations state that, ''In determining whether an Applicant has such a primary mission, the CDFI Fund will consider whether the activities of the Applicant are purposefully directed toward improving the social and/or economic conditions of underserved people and/or residents of economically distressed communities.''

To strengthen the primary mission test and examine the extent to which an entity's Financial Products and Financial Services align with that mission, the CDFI Certification Application will evaluate an entity's Financial Products and Financial Services, with a focus on the strategies, policies, and practices related to the products and services offered by that entity.

Given the CDFI Fund's limited resources to review an entity's products or services individually, the application asks entities a series of questions and/or attestations about their activities. The aim of these questions is to determine, to the extent possible, whether an entity—and the Financial Products and Financial Services it offers—adheres to a set of mission related principles. These include:

- *Community Development Intent:* Be purposefully directed toward improving the social and/or economic conditions of underserved people and/or residents of economically distressed communities.
- *Responsible Financing Practices:* Engage in providing products and services in a way that does not harm consumers. Financial Products should be affordable and based upon a borrower's ability to repay and CDFIs should practice transparency, fair collections, and compliance with federal, state, and local laws and regulations.

The CDFI Fund is considering whether certain practices that do not align with these principles should be considered disqualifying for the purposes of CDFI Certification.

*Questions Related to Primary Mission—Financial Products and Services:*

8. Are the questions in the revised application appropriate to determine an entity's community development intent?

9. Are there other practices related to the provision of Financial Products and/or Financial Services that should be considered indicators of an entity's community development intent?

10. Should any of the questions in the application related to responsible financing practices be used as a basis to automatically disqualify an Applicant from eligibility for CDFI Certification, or are there alternative criteria that should be met or used in such a manner?

11. If there are practices that should be considered either disqualifying or a prerequisite for CDFI Certification, should there be exceptions for any entities that engage or fail to engage, respectively, in such practices and, if so, under what circumstances?

12. Are there any other practices related to the responsible provision of Financial Products, especially those related to mortgage or other real estate lending, and to equity investments, for which either the presence or absence of which should be considered for purposes of CDFI Certification?

13. For purposes of CDFI Certification, should an entity be required to indicate that it offers or engages in at least one or more of the types of Financial Services and practices identified in the questions on ''Responsible Financing Practices—Financial Services?''

14. Are there any practices related to the provision of Financial Services for which either the presence or absence of which should be considered disqualifying for purposes of CDFI Certification?

*Primary Mission—Affiliates:* Subsidiaries of Insured Depository Institutions (IDIs), Depository Institution Holding Companies (DIHCs), and Affiliates or Subsidiaries of DIHCs currently are required by statute to meet the certification test collectively. To avoid disparate treatment among financial service providers, the CDFI Fund is proposing to apply the primary mission test, regardless of entity type, to all parent entities and to any Subsidiary or Affiliate that engages in financing activities.

*Questions Related to Primary Mission—Affiliates:*

15. Are there circumstances that the CDFI Fund should consider as an exception to this rule?

*Target Market—Mapping:* Under the new certification policy, entities serving an Investment Area consisting solely of

individual qualified census tracts (*i.e.,* those that the CDFI Fund has determined meet one or more of the statutory economic distress criteria) as their Target Market will be able to count all activity in qualified census tracts toward their Target Market requirements. Similarly, entities that serve certain Targeted Populations will be able to count all qualifying activity toward their Target Market requirements, regardless of location. Currently, for purposes of certification, entities are required to identify the specific geographic area(s) within which they propose to serve an Investment Area(s) and/or Targeted Population(s) as their Target Market. Furthermore, only transactions within that specified geographic area(s) for which an entity seeks or has received CDFI Certification are eligible to count toward the percentage level of Financial Product activity to the eligible Target Market(s) required for certification.

With the revised policies, the CDFI Fund will remove the geographic boundaries on most Target Market designations and will measure all of an entity's eligible activity to its designated Target Market type(s) (*i.e.,* Investment Areas and/or Targeted Populations) toward the applicable percentage threshold. This change, in effect, will allow any CDFI to serve its designated Target Market type(s) at whatever level it is capable, including nationally and/or through the use of financial technology, without having to seek additional approval.

Mapping an entity's geographic Target Market area still will be required under certain circumstances. The Regulations permit CDFIs to serve an Investment Area consisting of ''a geographic unit that is a county (or equivalent area), minor civil division that is a unit of local government, incorporated place, census tract, or Indian Reservation.'' Furthermore, an entity may designate a Customized Investment Area that consists of a group of contiguous geographic units that together meet certain identified distress criteria.

For entities that propose Customized Investment Area Target Markets comprised of contiguous geographic units that include non-qualifying census tracts, only the activity within the designated Customized Investment Area will count toward their Target Market requirements. Similarly, CDFIs that have a Target Market consisting of a non-predesignated Other Targeted Population (OTP) that has been approved only at a local level will be able to count activity to that OTP only within an approved geographic area.

*Questions Related to Target Market—Mapping:*

16. Are there other circumstances under which the CDFI Fund should continue to require entities to map their Target Markets and, by implication, limit eligible Target Market activity to such geographic areas?

*Target Market—Financial Services:* In addition to Financial Products, the Regulations allow Financial Services as a means of demonstrating that an entity serves a Target Market. The CDFI Fund proposes to operationalize the measurement of Financial Services toward the Target Market test by providing credit for the number of depository accounts offered to an entity's Target Market. Under this policy, entities will be able to meet the test if at least 60% of the entity's depository accounts *and* at least 50% of its Financial Products are provided to the Target Market.

*Questions Related to Target Market—Financial Services:*

17. Are there other Financial Services that the CDFI Fund should consider measuring toward the Target Market test? If so, how should they be incorporated into a single measure, with depository accounts, of an entity's Financial Services activity?

18. Are the proposed thresholds for Financial Product and Financial Services activity appropriate when both are used to meet the Target Market test?

*Accountability:* The revised board membership standards emphasize a preference for accountability through governing boards (as the source of decision-making authority), while providing greater flexibility on the geography of board members and their total numbers for entities with multiple Target Markets.

*Questions Related to Accountability:*

19. Are any of the revised accountability requirements unduly burdensome? Please be specific to type of CDFI (*e.g.,* regulated, non-profit, private sector) if the requirements create disparate impact.

20. Are there alternative ways an entity can demonstrate decision-making accountability to its Target Market(s) that the CDFI Fund should consider?

21. Should the methods to demonstrate accountability differ based on type of CDFI (*e.g.,* regulated, non-profit, private sector)?

**Authority:** 12 U.S.C. 4703, 4703 note, 4704, 4706, 4707, 4717; 12 CFR part 1805.

**Jodie L. Harris,**

*Director, Community Development Financial Institutions Fund.*

[FR Doc. 2020–09747 Filed 5–6–20; 8:45 am]

BILLING CODE 4810–70–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Thursday, June 11, 2020.

**FOR FURTHER INFORMATION CONTACT:** Antoinette Ross at 1–888–912–1227 or 202–317–4110.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Thursday, June 11, 2020, at 11:00 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Antoinette Ross. For more information please contact Antoinette Ross at 1–888–912–1227 or 202–317–4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: May 4, 2020.

**Kevin Brown,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2020–09788 Filed 5–6–20; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Project Committee will be conducted. The Taxpayer

Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Tuesday, June 9, 2020.

**FOR FURTHER INFORMATION CONTACT:** Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Project Committee will be held Tuesday, June 9, 2020, at 1:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612–5217 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: May 4, 2020.

**Kevin Brown,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2020–09787 Filed 5–6–20; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Open Meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Wednesday, June 10, 2020.

**FOR FURTHER INFORMATION CONTACT:** Fred Smith at 1–888–912–1227 or (202) 317–3087.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee will be held Wednesday, June 10, 2020 at 12:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Fred Smith. For more information please contact Fred Smith at 1–888–912–1227 or (202) 317–3087, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.*

Dated: May 4, 2020.

**Kevin Brown,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2020–09790 Filed 5–6–20; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Open Meeting of the Taxpayer Advocacy Panel Joint Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Thursday, June 25, 2020.

**FOR FURTHER INFORMATION CONTACT:** Gilbert Martinez at 1–888–912–1227 or (737) 800–4060.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Thursday, June 25, 2020, at 1:30 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact Gilbert Martinez at 1–888–912–1227 or (737–800–4060), or write TAP Office 3651 S. IH–35, STOP 1005 AUSC, Austin, TX 78741, or post comments to the website: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: May 4, 2020.

**Kevin Brown,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2020–09783 Filed 5–6–20; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Open Meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Line Project Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Wednesday, June 10, 2020.

**FOR FURTHER INFORMATION CONTACT:** Rosalind Matherne at 1–888–912–1227 or 202–317–4115.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Wednesday, June 10, 2020 at 11:00 a.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Rosalind Matherne. For more information please contact Rosalind Matherne at 1–888–912–1227 or 202–317–4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: May 4, 2020.

**Kevin Brown,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2020–09789 Filed 5–6–20; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Open Meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Wednesday, June 10, 2020.

**FOR FURTHER INFORMATION CONTACT:** Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be held Wednesday, June 10, 2020, at 1:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Robert Rosalia. For more information please contact Robert Rosalia at 1–888–912–1227 or (718) 834–2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: May 4, 2020.

**Kevin Brown,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2020–09785 Filed 5–6–20; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel's Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Tuesday, June 9, 2020.

**FOR FURTHER INFORMATION CONTACT:** Cedric Jeans at 1–888–912–1227 or 901–707–3935.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Tuesday, June 9, 2020, at 12:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Cedric Jeans. For more information please contact Cedric Jeans at 1–888–912–1227 or 901–707–3935, or write TAP Office, 5333 Getwell Road, Memphis, TN 38118 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: May 4, 2020.

**Kevin Brown,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2020–09784 Filed 5–6–20; 8:45 am]

BILLING CODE 4830–01–P

# FEDERAL REGISTER

Vol. 85 Thursday,

No. 89 May 7, 2020


Part II

## The President


Proclamation 10024—National Hurricane Preparedness Week, 2020

Proclamation 10025—Public Service Recognition Week, 2020

Federal Register
Vol. 85, No. 89
Thursday, May 7, 2020

# Presidential Documents

**Title 3—**

## The President

**Proclamation 10024 of May 1, 2020**

## National Hurricane Preparedness Week, 2020

**By the President of the United States of America**

**A Proclamation**

As we observe National Hurricane Preparedness Week, I call on Americans in hurricane-prone regions to take appropriate measures to help mitigate the devastation that these storms can produce. Through proper preparation, we can bolster our resilience against any challenge we face from these incredibly powerful storms.

Accurate forecasting is crucial for communities across our country, which need advance notice to protect lives and property from hurricanes. My Administration remains dedicated to enhancing our hurricane tracking and prediction capabilities. As we have entered a new era of supercomputing, we have been able to increase our computing capacity and ensure the United States has the most accurate weather forecasting models in the world. Additionally, the National Oceanic and Atmospheric Administration's Earth Prediction Innovation Center continues to improve our knowledge of severe weather and further increase our forecasting accuracy. Innovators like these are helping to protect the lives of Americans living in hurricane-prone areas, giving them access to critical information before a hurricane arrives and enabling appropriate preparations.

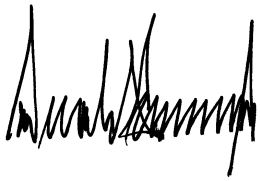
While these strides in improving our predictive abilities are significant, the power of preemptive planning for every hazard created by hurricanes cannot be discounted. In the United States, storm surge and inland flooding from heavy rains have historically caused more hurricane-related deaths than the winds generated by the storms. The National Weather Service's Weather-Ready Nation initiative and the Federal Emergency Management Agency's Ready Campaign are excellent resources for preparing your defense against the destructive potential of hurricanes and other severe storms. Emergency planning—including putting together an emergency supply kit; ensuring your house and business are hurricane-ready; considering flood insurance options; creating communication plans with family members; and, when a storm approaches, determining if you live in a hurricane evacuation zone—will help empower you, your community, and our Nation to be more prepared and responsive.

Hurricane season can also place a heavy burden on our medical professionals, first responders, and critical infrastructure workers. We know these very same people are already operating under great strain to respond to the coronavirus pandemic. We extend to them our deepest gratitude and vow to provide them any support they need during these challenging times. This week is an opportunity for all Americans living in areas susceptible to hurricane-related harm to take proactive measures to protect their families, businesses, communities, and livelihood. Taking action now to keep our loved ones and property safe from the threats posed by hurricanes will help us be an even more resilient Nation.

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 3 through May 9, 2020 as National Hurricane Preparedness Week. I call upon everyone to take action this week by making use of the online resources provided

by the National Weather Service and the Federal Emergency Management Agency to safeguard your families, homes, and businesses from the dangers of hurricanes and severe storms. I also call upon Federal, State, local, tribal, and territorial emergency management officials to help inform our communities about hurricane preparedness and response in order to prevent storm damage and save lives.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, 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. 2020–09970
Filed 5–6–20; 11:15 am]
Billing code 3295–F0–P

# Presidential Documents

**Proclamation 10025 of May 1, 2020**

## Public Service Recognition Week, 2020

**By the President of the United States of America**

**A Proclamation**

During Public Service Recognition Week, we pay tribute to our Federal, State, and local government employees for their unwavering dedication to civil service. On the front lines in times of prosperity and adversity alike, our world-class workforce remains ready and willing to serve their fellow Americans. At all levels of government, our civilian personnel have made our Nation stronger and more prosperous.

In recent weeks and months, our Nation's civilian officials have united with unprecedented urgency and resolve to respond to the coronavirus pandemic. Their tireless efforts are ensuring Federal, State, local, and tribal governments continue to provide necessary services to their constituents, are helping forge productive government-private sector partnerships, and are bolstering our ongoing recovery efforts. Our public health experts, who always play an integral role in protecting the health and wellbeing of our people, have provided critical and timely guidance to Americans on how to stay healthy and prevent the spread of the coronavirus. Emergency managers, first responders, and law enforcement are continuing to provide life-saving care, comfort, and support to those affected. Postal workers are delivering essential supplies and communications. Sanitation workers are keeping our communities clean. School teachers and educators are continuing to provide virtual education and support to students. And countless other public servants are diligently and humbly supporting our American way of life during this crisis. Through their dedicated efforts, the American people are protected and supported despite the unprecedented challenges we face.

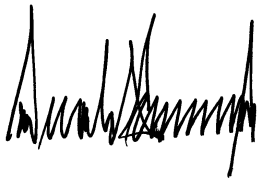
As we start to see a promising forecast and eventual recovery—thanks in large part to the extraordinary sacrifices the American people have made on behalf of their fellow citizens—we can begin the critical work of reopening our country. We know that our public service employees will play a crucial role in restarting our economy and getting our society fully revitalized, while also protecting American lives. My Administration remains committed to supporting these men and women at all levels of government during this process, ensuring they have the resources and information they need to continue serving the American people while also safeguarding their own wellbeing. Together, we will complete the work of rebuilding and restoring our Nation.

This Public Service Recognition Week, we are especially grateful to our devoted public servants. Their experience, expertise, and commitment to service will lift our Nation up during these difficult times and help ensure a swift recovery. We will forever be indebted to them for their hard work, dedication, and courage, always remembering their irreplaceable contributions to our people and our country.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 3 through May 9, 2020, as Public Service Recognition Week. I call upon Americans and all Federal, State, tribal, and local government agencies to recognize

the dedication of our Nation's public servants and to observe this week through appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, 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. 2020–09972
Filed 5–6–20; 11:15 am]
Billing code 3295–F0–P

# Reader Aids

**Federal Register**

Vol. 85, No. 89

Thursday, May 7, 2020

## CUSTOMER SERVICE AND INFORMATION

| | |
|---|---|
| **Federal Register/Code of Federal Regulations** | |
| General Information, indexes and other finding aids | **202–741–6000** |
| **Laws** | **741–6000** |
| **Presidential Documents** | |
| Executive orders and proclamations | **741–6000** |
| **The United States Government Manual** | **741–6000** |
| **Other Services** | |
| Electronic and on-line services (voice) | **741–6020** |
| Privacy Act Compilation | **741–6050** |

## ELECTRONIC RESEARCH

### World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.govinfo.gov.**

Federal Register information and research tools, including Public Inspection List and electronic text are located at: **www.federalregister.gov.**

### E-mail

**FEDREGTOC** (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

**PENS** (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html and select** *Join or leave the list (or change settings);* then follow the instructions.

**FEDREGTOC** and **PENS** are mailing lists only. We cannot respond to specific inquiries.

**Reference questions.** Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

## FEDERAL REGISTER PAGES AND DATE, MAY

25279–26316 ..... 1
26319–26600 ..... 4
26601–26834 ..... 5
26835–27104 ..... 6
27105–27286 ..... 7

## CFR PARTS AFFECTED DURING MAY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

**3 CFR**

**Proclamations:**
10016 ..... 26585
10017 ..... 26587
10018 ..... 26589
10019 ..... 26823
10020 ..... 26825
10021 ..... 26829
10022 ..... 26831
10023 ..... 26833
10024 ..... 27283
10025 ..... 27285

**Executive Orders:**
13917 ..... 26311
13918 ..... 26313
13919 ..... 26591
13920 ..... 26595

**Administrative Orders:**
Memorandums:
Memorandum of April 28, 2020 ..... 26315

**7 CFR**

205 ..... 27105
984 ..... 27107

**Proposed Rules:**
905 ..... 27159
1250 ..... 27163

**10 CFR**

50 ..... 26540

**Proposed Rules:**
430 ..... 25324, 26369
431 ..... 26626
1021 ..... 25338

**12 CFR**

50 ..... 26835
249 ..... 26835
329 ..... 26835
1024 ..... 25279
1026 ..... 26319

**13 CFR**

120 ..... 26321, 26324

**14 CFR**

21 ..... 26326
39 ..... 26842, 27109, 27112, 25354, 26374, 26375, 26888, 26891, 26893, 26896, 27167, 27170
61 ..... 26326
63 ..... 26326
65 ..... 26326
71 ..... 25283, 26601, 26602, 26604, 26605, 26607, 26608, 26609, 26845, 26846, 27114
91 ..... 26326
97 ..... 26611, 26613
107 ..... 26326
125 ..... 26326
141 ..... 26326

**Proposed Rules:**
39 ..... 25343, 25346, 25351, 26898, 26901, 27172, 27174, 27176, 27178, 27180, 27181, 27183, 27184, 27186, 27188, 27189
71 ..... 26633
399 ..... 26633

**15 CFR**

**Proposed Rules:**
922 ..... 25357

**16 CFR**

**Proposed Rules:**
Ch. 1 ..... 27191

**17 CFR**

200 ..... 25962
227 ..... 27116
230 ..... 25962
232 ..... 25962
239 ..... 25962, 27116
240 ..... 25962
270 ..... 25962
274 ..... 25962

**Proposed Rules:**
4 ..... 26378

**21 CFR**

888 ..... 26350

**Proposed Rules:**
573 ..... 26902

**22 CFR**

120 ..... 25285
122 ..... 25285, 26847
123 ..... 25285
124 ..... 25285
129 ..... 25285

**24 CFR**

5 ..... 27133
891 ..... 27133
960 ..... 27133
962 ..... 27133

**25 CFR**

**Proposed Rules:**
82 ..... 26902

**26 CFR**

1 ..... 26848
54 ..... 26351

**Proposed Rules:**
1 ..... 25376

**29 CFR**

2560 ..... 26351
2590 ..... 26351

**30 CFR**

948 ..... 27139

**Proposed Rules:**
935 ....26413

**31 CFR**

208 ....25285

**32 CFR**

112 ....27157
144 ....27157
199 ....26355

**33 CFR**

100 ....26355
117 ....26358
165 ....26359, 26615
**Proposed Rules:**
100 ....26903

**36 CFR**

1253 ....26848
1290 ....26848

**37 CFR**

**Proposed Rules:**
360 ....26906

**40 CFR**

9 ....26617, 26617
52 ....25291, 25293, 25299, 25301, 25305, 26361
721 ....26617
**Proposed Rules:**
50 ....26634
52 ....25377, 25379, 26418, 26635, 26641, 26643, 26647, 26907
271 ....26911
721 ....26419

**42 CFR**

406 ....25508
407 ....25508
422 ....25508
423 ....25508
431 ....25508
438 ....25508
457 ....25508
482 ....25508
485 ....25508
**Proposed Rules:**
Ch. IV ....26438

**45 CFR**

156 ....25640
170 ....25640
171 ....25640

**47 CFR**

64 ....26857
76 ....26364
96 ....25309
**Proposed Rules:**
1 ....26438
2 ....26438
18 ....26438
54 ....25380, 26653

**48 CFR**

Ch. 1 ....27086, 27102
1 ....27087, 27088, 27098
2 ....27087
4 ....27101
5 ....27088
8 ....27088
9 ....27088
12 ....27088, 27098
13 ....27088
15 ....27088
19 ....27088, 27101
22 ....27087, 27088
25 ....27088, 27098, 27101
29 ....27098
30 ....27088
50 ....27088
52 ....27087, 27088, 27098, 27101

**49 CFR**

1333 ....26858, 26866
1570 ....25313
**Proposed Rules:**
Ch. X ....26915

**50 CFR**

17 ....26786
219 ....27028
300 ....25315
635 ....26365
648 ....26874
665 ....26622
679 ....27158

## LIST OF PUBLIC LAWS

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

**Last List April 30, 2020**

## Public Laws Electronic Notification Service (PENS)

**PENS** is a free email notification service of newly enacted public laws. To subscribe, go to *https://listserv.gsa.gov/cgi-bin/wa.exe?SUBED1=PUBLAWS-L&A=1*

**Note:** This service is strictly for email notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.