

The Pueblo Grande Museum is responsible for notifying The Tribes that this notice has been published.

Dated: March 25, 2020.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

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**BILLING CODE 4312-52-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree and Environmental Settlement Agreement Under the Clean Air Act

On May 4, 2020, the United States Department of Justice lodged a proposed Consent Decree and Environmental Settlement Agreement (“Settlement Agreement”) in *In re PES Holdings, LLC, et al.*, Civil Action No. 19-11626 (Bankr. D. Del.), with the United States Bankruptcy Court for the District of Delaware.

The United States, on behalf of the United States Environmental Protection Agency (“EPA”), filed this Settlement Agreement with PES Holdings, LLC and its Debtor Affiliates (collectively the “Debtors”), including Debtor Philadelphia Energy Solutions Refining and Marketing LLC (“PESRM”), to resolve a dispute about the obligations and liabilities of PESRM and related parties under the Clean Air Act’s (“CAA”) Renewable Fuel Standard (“RFS”) program, which requires refiners to blend renewable fuels into gasoline or diesel fuel or obtain Renewable Identification Numbers (“RINs”) to meet Renewable Volume Obligations (“RVOs”) and a 2018 Consent Decree and Environmental Settlement Agreement in *In re PES Holdings, LLC, et al.*, Case No. 18-10122 (KG) (“2018 Consent Decree”).

Under the Settlement Agreement, Debtors have agreed to purchase and retire up to 161,830,963 Quality Assurance Plan (“QAP”) verified Q-RINs to resolve Debtors’ RINs liability under the 2018 Consent Decree and the CAA’s RFS program. A Q-RIN is a type of RIN that a registered independent third-party auditor verified using an approved QAP, and in accordance with the audit process laid out in 40 CFR 80.1472. See 40 CFR 80.1401. The Debtors’ Chapter 11 Plan (“Plan”) establishes a Liquidating Trust, which will, among other things, purchase and retire Q-RINs within 90 days of the Effective Date of the Settlement Agreement or the Plan, whichever occurs later, subject to an actual price paid cap of \$10 million as provided in

the Settlement Agreement. If PESRM, any Debtor, or the Liquidating Trust, receives an Excise Tax Refund from the United States, the Liquidating Trust will purchase and retire any remaining RIN balance within 90 days of receiving the refund; this is subject to the limitation that the Liquidating Trust’s RIN retirement obligation ends when the Liquidating Trust has (a) retired the full amount of 161,830,963 Q-RINs, (b) purchased and retired \$22 million worth of Q-RINs, or (c) purchased and retired \$10 million worth of Q-RINs plus the number of Q-RINs worth the Excise Tax Refund from the United States if the refund is less than \$12 million.

The publication of this notice opens a period for public comment on the Settlement Agreement. Comments should be addressed to the Section Chief, Environment and Natural Resources Division, Environmental Enforcement Section, and should refer to *In re PES Holdings, LLC, et al.*, Civil Action No. 19-11626 (Bankr. D. Del.), DOJ Number 90-5-2-1-10993/2. All comments must be submitted no later than fifteen (15) days after the publication date of this notice. Comments may be submitted either by email or by mail:

| To submit comments: | Send them to:  |
|---------------------|--|
| By email .....      | <a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .   |
| By mail .....       | Section Chief,<br>U.S. DOJ—ENRD—EES,<br>P.O. Box 7611,<br>Washington, DC 20044-7611. |

During the public comment period, the Settlement Agreement may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Settlement Agreement upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$6.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Jeffrey Sands,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2020-09825 Filed 5-7-20; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of a Change in Status of the Extended Benefit (EB) Program for Rhode Island

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** This notice announces a change in benefit payment status under the EB program for Rhode Island.

The following change has occurred since the publication of the last notice regarding Rhode Island’s EB status:

Rhode Island’s 13-week insured unemployment rate (IUR) for the week ending April 11, 2020 was 5.49 percent, which exceeds 120 percent of the corresponding rate in the prior two years. This IUR caused Rhode Island to be triggered “on” to an EB period that began April 26, 2020. The State will remain in an EB period for a minimum of 13 weeks.

**FOR FURTHER INFORMATION CONTACT:** U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, Room S-4524, Attn: Kevin Stapleton, 200 Constitution Avenue NW, Washington, DC 20210, telephone number: (202) 693-3009 (this is not a toll-free number) or by email: [Stapleton.Kevin@dol.gov](mailto:Stapleton.Kevin@dol.gov).

**SUPPLEMENTARY INFORMATION:** The trigger notice covering state eligibility for the EB program can be found at: [http://oui.doleta.gov/unemploy/claims\\_arch.asp](http://oui.doleta.gov/unemploy/claims_arch.asp).

#### Information for Claimants

The duration of benefits payable in the EB program and the terms and conditions on which they are payable are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state beginning an EB period, the State Workforce Agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EB (20 CFR 615.13(c)(1)).

Persons who believe they may be entitled to EB, or who wish to inquire about their rights under the program, should contact their State Workforce Agency.

Signed in Washington, DC.

**John Pallasch,**

*Assistant Secretary for Employment and Training.*

[FR Doc. 2020-09914 Filed 5-7-20; 8:45 am]

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**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Notice on Reallotment of Workforce Innovation Opportunity Act (WIOA) Title I Formula Allotted Funds for Dislocated Worker Activities for Program Year (PY) 2019**

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice.

**SUMMARY:** The Workforce Innovation Opportunity Act, requires the Secretary of Labor (Secretary) to conduct reallotment of certain WIOA formula allotted funds based on ETA 9130 financial reports submitted by states as of the end of the prior PY. This notice publishes the dislocated worker PY 2019 funds for recapture by state and the amount to be reallotted to eligible states.

**DATES:** These funds are effective May 8, 2020.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kimberly Vitelli, Acting Administrator, U.S. Department of Labor, Office of Workforce Investment, Employment and Training Administration, Room C-4510, 200 Constitution Avenue NW, Washington, DC. Telephone (202) 693-

3639 (this is not a toll-free number) or fax (202) 693-3981.

**SUPPLEMENTARY INFORMATION:** In the Fiscal Year (FY) 2019 Appropriations Act, Congress appropriated WIOA PY 2019 funds in two portions: (1) Funds available for obligation July 1, 2019 (*i.e.*, PY 2019 “base” funds), and (2) funds available for obligation October 1, 2019 (*i.e.*, FY 2020 “advance” funds). Together, these two portions make up the complete PY 2019 WIOA funding. Training and Employment Guidance Letter (TEGL) No. 16-18 announced WIOA allotments based on this appropriation and TEGL No. 16-17 alerted states to the recapture and reallotment of funds’ provisions based on obligations of PY 2018 funding, as required under WIOA Section 132(c). This section and 127(c) of WIOA requires the Secretary of Labor (Secretary) to conduct reallotment of excess unobligated WIOA Adult, Youth, and Dislocated Worker formula funds based on ETA 9130 financial reports submitted by states at the end of the prior program year (*i.e.*, PY 2018).

WIOA regulations at 20 CFR 683.135 describe the procedures the Secretary uses for recapture and reallotment of funds. ETA will not recapture any PY 2019 funds for the Adult and Youth programs because there are no states where PY 2018 unobligated funds exceed the statutory requirements of 20 percent of state allotted funds. However, for the Dislocated Worker program, Puerto Rico had unobligated PY 2018 funds in excess of 20 percent of its allotment. Therefore, ETA will recapture a total of \$2,677,483 of PY

2019 funding from Puerto Rico and reallot those funds to the remaining eligible states, as required by WIOA Section 132(c).

ETA will issue a Notice of Award to the states to reflect the recapture and reallotment of these funds. The adjustment of funds will be made to the FY 2020 advance portion of the PY 2019 allotments, which ETA issued in October 2019. The attached tables display the net changes to PY 2019 formula allotments.

WIOA and its implementing regulations do not provide specific requirements by which states must distribute reallotted funds, so states have flexibility to determine the methodology used. For any state subject to recapture of funds, WIOA Section 132(c)(5) requires the Governor to prescribe equitable procedures for reacquiring funds from the state and local areas.

As mentioned, the recapture/reallotment adjustments will be made to the FY 2020 advance portion of the PY 2019 allotment. Therefore, for reporting purposes, states must reflect the recapture/reallotment amount (decrease or increase) in the “Total Federal Funds Authorized” line of any affected FY 2020 ETA 9130 financial reports (State Dislocated Worker Activities, Statewide Rapid Response, Local Dislocated Worker Activities) in a manner consistent with the method of distribution of these amounts to state and local areas used by the state. The state must include an explanation of the adjustment in the remarks section of the adjusted reports.

**I. Attachment A**

**U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION WIOA DISLOCATED WORKER ACTIVITIES PY 2019 REALLOTMENT TO STATES**

|                            | Calculating reallotment amount                                       |  |  | Impact on PY 2019 allotments                         |  |                                  |
|----------------------------|--|--|--|--|--|----------------------------------|
|                            | Excess unobligated PY 2018 funds to be recaptured from PY 2019 funds | Eligible states’ PY 2018 <sup>1</sup> dislocated worker allotments | Reallotment amount for eligible states (based on eligible states’ share of PY 2018 allotments) | Total original PY 2019 allotments before reallotment | Recapture/reallotment adjustment to PY 2019 allotments | Revised total PY 2019 allotments |
| Alabama .....              | \$0  | \$19,403,477   | \$52,149   | \$18,309,732   | \$52,149   | \$18,361,881                     |
| Alaska .....               | 0  | 4,931,804  | 13,255   | 6,399,704  | 13,255   | 6,412,959                        |
| Arizona ** .....           | 0  | 23,325,333   | 62,689   | 30,267,873   | 62,689   | 30,330,562                       |
| Arkansas .....             | 0  | 6,424,584  | 17,267   | 6,221,613  | 17,267   | 6,238,880                        |
| California .....           | 0  | 155,293,670  | 417,368  | 147,659,670  | 417,368  | 148,077,038                      |
| Colorado .....             | 0  | 10,206,542   | 27,431   | 10,049,482   | 27,431   | 10,076,913                       |
| Connecticut .....          | 0  | 14,714,935   | 39,548   | 14,170,098   | 39,548   | 14,209,646                       |
| Delaware .....             | 0  | 2,469,027  | 6,636  | 2,403,520  | 6,636  | 2,410,156                        |
| District of Columbia ..... | 0  | 6,506,323  | 17,486   | 8,442,862  | 17,486   | 8,460,348                        |
| Florida .....              | 0  | 53,879,224   | 144,806  | 52,151,777   | 144,806  | 52,296,583                       |
| Georgia .....              | 0  | 40,579,379   | 109,061  | 38,513,750   | 109,061  | 38,622,811                       |
| Hawaii .....               | 0  | 1,625,873  | 4,370  | 1,605,251  | 4,370  | 1,609,621                        |
| Idaho .....                | 0  | 1,975,683  | 5,310  | 1,957,840  | 5,310  | 1,963,150                        |