

# Proposed Rules

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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

### Office of the Secretary

#### 7 CFR Part 9

[Docket ID: FSA–2020–0004]

#### Notice of Funding Availability; Coronavirus Food Assistance Program (CFAP) Additional Commodities Request for Information

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice of funding availability; request for comments.

**SUMMARY:** The Coronavirus Food Assistance Program (CFAP) helps agricultural producers impacted by the effects of the COVID–19 outbreak. As provided in the CFAP regulation, this document requests input to help USDA identify information about additional commodities that are not already identified with payment rates in the CFAP regulation for inclusion in CFAP.

**DATES:** We will consider comments that we receive on additional commodities by June 22, 2020.

We will consider comments that we receive on the Paperwork Reduction Act by July 21, 2020.

**FOR FURTHER INFORMATION CONTACT:** William L. Beam, telephone (202) 720–3175; email [Bill.Beam@usda.gov](mailto:Bill.Beam@usda.gov). Persons with disabilities or who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

**ADDRESSES:** We invite you to submit comments to provide information about additional commodities and comment on the information collection specified in this document. In your comment, specify [Docket ID: FSA–2020–0004], and include the volume, date, and page number of this issue of the **Federal Register**. You may submit comments by either of the following methods:

- *Federal Rulemaking Portal:* Go to <http://www.regulations.gov> and search for Docket ID FSA–2020–0004. Follow the instructions for submitting comments.

- *Mail:* Director, SND, FSA, U.S. Department of Agriculture, 1400 Independence Avenue SW, Stop 0522, Washington, DC 20250–0522.

Comments will be available for viewing online at <http://www.regulations.gov>. In addition, comments will be available for public inspection at the above address during business hours from 8 a.m. to 5 p.m., Monday through Friday, except holidays.

**SUPPLEMENTARY INFORMATION:** The Coronavirus Aid, Relief, and Economic Security Act (CARES Act; Pub. L. 116–136) provides \$9,500,000,000 to the Secretary of Agriculture to provide assistance to agricultural producers impacted by the effects of the COVID–19 outbreak. In accordance with 15 U.S.C. 714b, the Secretary of Agriculture is also using funds of the Commodity Credit Corporation (CCC) to assist producers with the purchase of materials and facilities required in connection with the production and marketing of agricultural commodities, and the removal of surplus commodities from normal marketing channels that may be currently unavailable. At this time, the amount of CCC funds available for these purposes is limited to \$6.5

billion. USDA implemented CFAP for certain commodities in the regulation in 7 CFR part 9.

For the purpose of potentially supplementing the commodities listed in the CFAP regulation, this document requests information on agricultural commodities not already included in CFAP, which may be negatively impacted by the COVID–19 pandemic, and for which sufficient information is not currently available to USDA to include them in CFAP. If sufficient information is received and a decision is made to add commodities to the program, USDA will issue another NOFA listing the additional commodities, the respective payment rates, application dates, and any other unique information that producers will need to know for those commodities and the availability of CFAP payments.

#### CFAP Background

Generally, in order to be eligible for a CFAP payment, a producer must have suffered a 5-percent-or-greater price loss over a specified time resulting from the COVID–19 outbreak or face additional significant marketing costs for inventories—whether caused by lower prices given significant declines in certain types of demand, surplus production, or by disruptions to shipping patterns and the orderly marketing of commodities. In addition, due to the COVID–19 outbreak, many farmers markets, restaurants, and schools have temporarily or permanently closed, thus causing significantly decreased demand for commodities grown by producers that are ordinarily supplied to these places.

The following commodities are included in CFAP as specified in the CFAP regulation in 7 CFR part 9.

| Non-specialty crops         | Specialty crops   | Livestock                           | Other  |
|-----------------------------|-------------------|-------------------------------------|--------|
| Barley (malting) .....      | Almonds .....     | Slaughter cattle—mature cattle .... | Dairy. |
| Canola .....                | Apples .....      | Slaughter cattle—fed cattle .....   | Wool.  |
| Corn .....                  | Artichokes .....  | Feeder cattle less than 600 pounds. |        |
| Durum wheat .....           | Asparagus .....   | Feeder cattle 600 pounds or more.   |        |
| Hard red spring wheat ..... | Avocados .....    | All other cattle.                   |        |
| Millet .....                | Beans .....       | Pigs.                               |        |
| Oats .....                  | Blueberries ..... | Hogs.                               |        |
| Sorghum .....               | Broccoli .....    | Lambs and yearlings.                |        |
| Soybeans .....              | Cabbage.          |                                     |        |
| Sunflowers .....            | Cantaloupe.       |                                     |        |
| Upland cotton .....         | Carrots.          |                                     |        |

| Non-specialty crops | Specialty crops   | Livestock | Other |
|---------------------|---|-----------|-------|
|                     | Cauliflower.<br>Celery.<br>Corn, sweet.<br>Cucumbers.<br>Eggplant.<br>Garlic.<br>Grapefruit.<br>Kiwifruit.<br>Lemons.<br>Lettuce, iceberg.<br>Lettuce, romaine.<br>Mushrooms.<br>Onions, dry.<br>Onions green.<br>Oranges.<br>Papaya.<br>Peaches.<br>Pears.<br>Pecans.<br>Peppers, bell type.<br>Peppers, other.<br>Potatoes.<br>Raspberries.<br>Rhubarb.<br>Spinach.<br>Squash.<br>Strawberries.<br>Sweet potatoes.<br>Tangerines.<br>Taro.<br>Tomatoes.<br>Walnuts.<br>Watermelons. |           |       |

Agricultural commodities that are not listed in the table above and have widely published price data, such as those whose prices are collected by USDA and commodities traded on the futures markets, have been determined as having a minimal price impact due to COVID-19 and are not included in CFAP.

Information regarding producer eligibility, the application process, and calculation of payments is specified in the regulation in 7 CFR part 9. Agricultural commodities included in the regulation were determined by USDA to have incurred a price decline of at least 5 percent between the weeks of January 13-17, 2020, and April 6-9, 2020, for non-specialty crops, and April 6-10, 2020, for all other agricultural commodities.

#### Potential Additional Commodities for CFAP

One purpose of this document is to request information from the public to assist USDA in determining whether additional agricultural commodities not listed above should be eligible for CFAP. It is not to collect information on commodities already included in CFAP, commodities already excluded from CFAP, or information on non-agricultural products.

USDA requests information about agricultural commodities that the public believes to have suffered a 5-percent-or-greater price loss between the weeks of January 13-17, 2020, and April 6-10, 2020, for specialty crops, and April 6-10, 2020, for all other agricultural commodities. In providing input, please consider the following questions; these questions are not intended to limit the type or amount of information provided. The most helpful and informative information for consideration by USDA is information that describes how the decline in price was determined and documentation of the sources used to make this determination.

(1) What commodities not listed above have suffered a 5-percent-or-greater price loss between January and April 2020 and face additional marketing costs due to COVID-19?

(2) What was the price received per unit of measure sold the week of January 13 through January 17, 2020, (or if not available, the nearest to this date) and what is the basis for the determination of this price?

(3) What was the price received per unit of measure sold the week of April 6 through April 10, 2020, (or if not available, the nearest date to this) and what is the basis for the determination of this price?

USDA is particularly interested in the obtaining information with respect to the following specific categories of agricultural commodities.

#### Nursery Products

If you are providing information for a nursery that produces multiple products, such as trees, shrubs, or perennial plants, please specify your responses to the questions below separately by product:

(1) For live trees, shrubs, or other plants that you produced, had vested ownership in, and had in inventory at some point between January 15, 2020, and April 15, 2020, what was:

(a) The average price you received per plant specified by type of nursery product sold (for example, roses, boxwoods, junipers) you sold the week of January 13 through January 17, 2020, (or if not available, nearest date to this);

(b) The average price you received per plant you sold the week of April 6 through April 10, 2020, (or if not available, nearest date to this);

(c) The number of plants you sold between January 15, 2020, and April 15, 2020.

(2) The number and the contracted price of plants you produced that left your nursery by April 15, 2020, and subsequently died or withered due to no market, and for which you did not have

Federal crop insurance or obtain Noninsured Crop Disaster Assistance Program (NAP) to cover the loss.

(3) The inventory of plants ready for sale that did not leave the nursery by April 15, 2020, and that will not be sold due to lack of markets.

#### *Aquaculture Products*

The CFAP regulation provided that certain aquaculture producers would be eligible for participation in CFAP. The determination of eligible producers was made based upon consultation with the Department of Commerce, as that agency is also establishing a program to assist certain aquaculture producers. For CFAP, an eligible aquaculture producer is one who has a privately-owned aquaculture business that propagates freshwater and saltwater products in controlled environments (including raceways, ponds, tanks, and recirculating systems). Farmed shrimp and salmonids (trout and salmon) will be included in CFAP to the extent USDA determines individual types of these products have incurred a requisite decline in price.

Accordingly, through this document, USDA requests information from aquaculture producers to make the determination of a price decline. If the farm produces multiple aquaculture products, please specify your responses to the questions below separately by product.

(1) For live aquaculture that you produced, had vested ownership in, and had in inventory at some point between January 15, 2020, and April 15, 2020, what was:

(a) The average price you received per product the week of January 13 through January 17, 2020, (or if not available, nearest date to this);

(b) The average price you received per aquaculture product you sold the week of April 6 through April 10, 2020, (or if not available, nearest date to this);

(c) The number of aquaculture products you sold between January 15, 2020, and April 15, 2020.

(2) The number and the contracted price of aquaculture products you produced that left your farm by April 15, 2020, and subsequently spoiled due to no market, and for which you did not have Federal crop insurance or obtained NAP to cover the loss.

(3) The inventory of aquaculture products as April 15, 2020, that will not be sold due to lack of markets.

#### **Paperwork Reduction Act Requirements**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), FSA is requesting

comments from interested individuals and organizations on the information collection activities related to CFAP. FSA received emergency approval from OMB for 6 months, and FSA will request 3-years approval for CFAP information collection activities.

*Title:* Coronavirus Food Assistance Program (CFAP).

*OMB Control Number:* 0560–0295.

*Type of Request:* New Collection.

*Abstract:* This information collection is required to support all CFAP information collection activities (applicable NOFAs and the regulation in 7 CFR part 9) to provide payments to eligible producers who, with respect to their agricultural commodities, have been impacted by the effects of the COVID–19 outbreak. The information collection is necessary to evaluate the application and other required paperwork for determining the producer's eligibility and assist in the producer's payment calculations. FSA will start accepting CFAP applications later this month. If a producer who applies must submit additional documentation for eligibility, such as certifications of compliance with adjusted gross income provisions and conservation compliance activities, those additional documents and forms must be submitted no later than 60 days from the date the producer signs the application.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hour is the estimated average time per response multiplied by the estimated total annual responses.

*Type of Respondents:* Producers or farmers.

*Estimated Annual Number of Respondents:* 1,630,000.

*Estimated Number of Responses per Respondent:* 2.6822.

*Estimated Total Annual Responses:* 4,372,000.

*Estimated Average Time per Response:* 0.79309 hours.

*Estimated Total Annual Burden on Respondents:* 3,467,400 hours.

FSA is requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of FSA, including whether the information will have practical utility;

(2) Evaluate the accuracy of FSA's estimate of burden, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on respondents, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this document, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

#### **Environmental Review**

The environmental impacts of CFAP have been considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA), the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and, because USDA will be making the payments to producers, the USDA regulations for compliance with NEPA (7 CFR part 1b).

Although OMB has designated the CFAP rule as “economically significant” under Executive Order 12866, “. . . economic or social effects are not intended by themselves to require preparation of an environmental impact statement” when not interrelated to natural or physical environmental effects (see 40 CFR 1508.14). CFAP was designed to avoid skewing planting decisions. Producers continue to make their planting and production decisions with market signals in mind, rather than any expectation of what a new USDA program might look like. The discretionary aspects of CFAP (for example, determining Adjusted Gross Income and payment limitations) were designed to be consistent with established USDA and CCC programs and are not expected to have any impact on the human environment, as CFAP payments will only be made after the commodity has been produced. Accordingly, the following Categorical Exclusion in 7 CFR part 1b applies: 1b.3(2), which applies to activities that deal solely with the funding of programs, such as program budget proposals, disbursements, and the transfer or reprogramming of funds. As such, the implementation of and participation in CFAP do not constitute major Federal actions that would significantly affect the quality of the human environment, individually or cumulatively. Therefore, an environmental assessment or environmental impact statement for CFAP will not be prepared; this document serves as documentation of the programmatic environmental

compliance decision for this federal action.

### Federal Assistance Programs

The title and number of the Federal assistance programs, as found in the Catalog of Federal Domestic Assistance, to which this NOFA applies is CFAP and 10.130.

**Stephen L. Censky,**

*Vice Chairman, Commodity Credit Corporation, and Deputy Secretary, U.S. Department of Agriculture.*

[FR Doc. 2020–11155 Filed 5–20–20; 4:15 pm]

**BILLING CODE 3410–05–P**

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## DEPARTMENT OF ENERGY

### 10 CFR Parts 430 and 431

[EERE–2016–BT–TP–0011]

RIN 1904–AD95

### Energy Conservation Program: Test Procedures for Residential and Commercial Clothes Washers

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Request for information.

**SUMMARY:** The U.S. Department of Energy (“DOE”) is initiating a data collection process through this request for information (“RFI”) to consider whether to amend its test procedures for clothes washers. As part of this RFI, DOE seeks comment on whether there have been changes in product testing methodology or new products on the market since the last test procedure update that may create the need to make amendments to the test procedure for clothes washers. DOE also seeks data and information that could enable the agency to propose that the current test procedure produces results that are representative of an average use cycle for the product and is not unduly burdensome to conduct, and therefore does not need amendment. DOE requests comment on specific aspects of the current test procedure, including product definitions and configurations, testing conditions and instrumentation, measurement methods, representative usage and efficiency factors, and metric definitions. DOE also seeks comment on any additional topics that may inform DOE’s decision whether to conduct a future test procedure rulemaking, including methods to ensure that the test procedure is reasonably designed to measure energy and water use during a representative average use cycle or period of use and is not unduly burdensome to conduct. DOE welcomes

written comments from the public on any subject within the scope of this document (including topics not raised in this RFI).

**DATES:** Written comments and information are requested and will be accepted on or before June 22, 2020.

**ADDRESSES:** Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2016–BT–TP–0011, by any of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

2. *Email:* [ResClothesWasher2016TP0011@ee.doe.gov](mailto:ResClothesWasher2016TP0011@ee.doe.gov). Include docket number EERE–2016–BT–TP–0011 in the subject line of the message.

3. *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (“CD”), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L’Enfant Plaza SW, Suite 600, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section IV of this document.

**Docket:** The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at <http://www.regulations.gov>. All documents in the docket are listed in the <http://www.regulations.gov> index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at <http://www.regulations.gov/#/docketDetail;D=EERE-2016-BT-TP-0011>. The docket web page contains simple instructions on how to access all documents, including public comments, in the docket. See section IV for information on how to submit

comments through <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: [ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

Ms. Elizabeth Kohl, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–7796. Email: [Elizabeth.Kohl@hq.doe.gov](mailto:Elizabeth.Kohl@hq.doe.gov).

For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: [ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

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#### I. Introduction

Residential clothes washers (“RCWs”) are included in the list of “covered products” for which DOE is authorized to establish and amend energy conservation standards and test procedures. (42 U.S.C. 6292(a)(7)) DOE’s test procedures for RCWs are prescribed at 10 CFR 430.23(j) and appendices J1, J2, and J3 to subpart B of 10 CFR part 430. Commercial clothes washers (“CCWs”) are included in the list of “covered equipment” for which DOE is authorized to establish and amend energy conservation standards and test procedures. (42 U.S.C. 6311(1)(H)) The test procedures for CCWs must be the